TECHE
UDINE

MANOSCRITTI

FONDO PRINCIPALE

Manoscritto n. **P_MSS_1083**

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Collocazione:

Biblioteca Civica "Vincenzo Joppi", Udine
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Iustachino

iuris civ.

1083

Ano Domini. 1663

Instruciones Imperiales

Ad usum me. Semi

Vancea

Justa

083

Laus Deo semper.

Rationale Institutionum Iuris ciuilis, De Iustitia, et Iure. Liber Primus.

Ill.mi D.ni Ludouici Iustachini Nob: Pat:

Ad Vsum mei Seruilij de Preis Vtin:

Anno Domini MDCLXIII. V. Nouembris.

Patauij.

Quid sit lex.
est comune Preceptum virorum prudentum
et coercitio delictorum

Anno Domini ·1663· v· Novembre·

Rationale Institutionum Iuris Civilis

Liber Primus

De Iustitia, et Iure

Tit.s primus

In quavis arte, ac disciplina recte, perfecteque tradenda primum indagandus est eius finis, ut sit iam ab initio veluti scopus propositus in quem studiosorum mentes dirigantur; deinde investiganda doctrina, methodus, praecepta, ut his iam ad eum accomodatis eodem facile perveniatur. Recte igitur Imperator Iuridica arte tractaturus exorditur tradendo in primo tit. partem artis Iuridicae finem, hoc est Iustitiam, quam definit; in 2.a parte doctrinam seu iurisprudentiam. In 3.a parte methodum

explicatur. in quarta praecepta universalia, et particularia quae nam sint.

P.a Tit. Pars. Prin:

Iustitia est constans, et perpetua voluntas ius suum cuique tribuendi.

Quia Iustitia per se est Virtus, quae certo, et Immutabili Iud.

certaq: regula juris gubernat. ut semp tri-
buere velit qd cuiq: Jure, et lege debet.

Ideo nō obstat, quod nullus hō repentē, qui constans
et semp suū cuiq: Jus tribuere velit.

Quia Justa hic deffinit. q re, et in abstracto quæ ē
virtus, et constans ē, et imutabilis voluntas
nō vo in concreto qualis in qcona hominis ead
pfitentis existit, tunc autem mutabilis vitio
explicat. nō Justitiæ, sed hominis depravata natura

2.a tit. pars.

§. Primo.

Iurisprudentia ē divinar., atq: humanar: rer. notitia
justi, atq: injusti scientia.

Quia Jurisprudentia habet relonē cum Deo, et ho-
minib. cum hoc ē Juris pcepto debitū et jus-
tū tribuat, et indebitū, ac injustum denegetur.

Ideo nō obstat qd res divinæ sunt obiectum sacræ
Theologiæ.

Quia Jurisprudentia de reb. divinis agit nō exacte
ut Theologia, sd simpliciter tantum quedam notitia
quatenus de iure ear. in Deos quaerit habita
explicat. relonē ad justum, et injustum

3.a tit. Pars.

§ secundus.

Iura pr. leui ac simplici via, post diligent. interp-
pretat.

pretat. tradenda sunt ~

Quia hic natis ordo dicendi e., ut p.o summatim potiss. primis principijs, deinde exactius ad singula fiat progressus, et ne alias infirmi adolescentes animi multitudine, ac varietate rerum mersati aut studium iuris deserant aut maiori cum labore, et difidentia ad cognitionem eius perveniant.

Ideo non obstat, quod simplici via procedendi aliquid adendum superest, et consequens nihil actum videtur. l. 3 ff. de verbor. significat. Lucanus lib. 3°. sed Caesar in omnia praeceps nihil actum credens, dum quid superesset agendum. Quia in faciendo procedit, et non fit obligatio individua, non in dicendo ubi potissima pars rei principium e. l. 1 ff. de regulis iuris. §. 3°.

explicatur 4.a lit. Pars.

Ius Cepit honeste vivere, alterum non laedere et suum cuique tribuere; quia hic aut consideratur quod se solus exemptus a commercio humano, et vita honesta ei competit, aut inter gentes, et inter societates hominum, et neminem laedere debet aut inter cives, et in magistratu eique competit

sum cuiq: tribuere. Ideo non obstat, qd qui ho:
neste vivit nemine ledet, et sum cuiq: tribuet
g.º cetera precepta superflua. Quia singula pre:
cepta statu hominis particularit. respiciunt

Ius respicit Pub.ª utilitatem seu ius Pub.cum et ius priva
tum. quia hic quē regere ē finis iuris, vel ut ciuem
aut tanquam personam priuatam potius. g.º iuris studium
in cognit. duplici iuris pub.ci qd consistit in sacris
sacerdotib. et magistratib., et ius priuat.

Ideo n obstat, qd ius triplex assignat. sacrum pub.cum et priuatum
l. 23. C. de ss.to ecclesijs. Quia ius pub. sacrum
etiam sub se continet, relicto iure pub. in institutionib. tantum ius priuatum
explicat. Quia ius priuatum [illegible] frequentius, ac singularius,
et facilius iure pub. et a facilioribus omnis doctrina atq: ins:
titutio incipere debet. Ideo n obstat qd Regula quiuis potior sit
quam priuata, g.º ius Pub. preferendum potius quam relinquendum.
Quia hoc fit ratione facilius doctrine, et prius regula, tamen quam
exceptio conuenit. Ius priuat. collectum ē, n. ex nali. n. gentium
n. ciu: iure. Quia hō ē al. rationale politicum, Arist. in politicis hinc
modo exercet actiones nales tanquam al., et ius nat. competit
modo actiones humanas tanquam a ceteris animantib. [illegible]
divincens, et tunc ius gentium modo ciuiles, tanquam [illegible] et
politicus et tunc ius ciuile competit. Ideo n obstat, qd ius cōe
in dua species diuidat. in l. omnes popi: et l. penult. ff. de Inst.ª et
iure, quia huma genera [illegible] considerant. hic autem in specie
triplici hominis consideratione, humanum genus [illegible] clarioris
doctrine gratia in id, qd ē similitudine quadam cum brutis et 2.ª
natura commune, et illud speciale ius nale vocat., et in id, qd nec
similitud. quadam ē aliorum specierum hominum proprium, et a. natura cōem
ad humanam, et Ius gentium appelat.

De Iure Naturali

Dist. 2.

Ius privativum quid sit, cuj. in sit. tradit. [illegible] regula [illegible] ponit.

Dividit. [illegible] naturale [illegible] traditam in [illegible] naturale [illegible] et civile declarat, in 2.a parte, 2.o [illegible] in [illegible] et [illegible] in 3.a [illegible] in immutabile et [illegible], et [illegible] [illegible] explicat.

Princ.

P.a Dist. Ius Naturale quod [illegible] docuit. [illegible] ius naturale [illegible] [illegible] omnibus hominibus et brutis [illegible] et [illegible] hinc [illegible] itaque [illegible] liberorum procreatio, et educatio.

[illegible] obiicit [illegible] rationabile [illegible] [illegible] recta ratio [illegible] et [illegible] hominibus [illegible] natu[illegible] [illegible] [illegible] esse [illegible] esse [illegible].

[illegible] naturali [illegible] [illegible] et [illegible] naturali [illegible] et [illegible]

[illegible] in actiones humanas [illegible] omnium homi:
num quatenus [illegible] rationabiles immediate convenientes, cum
e religio in Deum, obedientia parentibus, et [illegible]
[illegible] mediante usu, et humanis necessitatibus ita [illegible]
[illegible] sunt hinc belli iura servitute,
manumissiones, et fere omnes contractus.

Dico non obstat ius esse idem quod semper bonum, et aequum
quod natura dictavit; quia ius gentium non est [illegible]
[illegible] ut est bonum, et aequum, quod natura dictavit,
[illegible] quod est notio in subiecto [illegible] regulationes
v. tanquam cum genere humano immediate a natura
[illegible] v. tanquam ab usu, et humanis necessitatibus
postea constitutas.

Ius civile est, quod quisque populus sibi constituit; quia
ius civile est ratio imperans actiones [illegible] alicui
populi ordinanti. Dico non obstat quod populus
omne suum [illegible] in Principem [illegible]
[illegible] quia hoc intelligitur [illegible] populus v. civitate [illegible]
[illegible] parte sua [illegible] dominio alterius.

§. 2, et 3.

[illegible] Privatum [illegible] scripto aut sine scripto [illegible]
ius civile Romanorum in [illegible] quia
ab [illegible] qui [illegible] in
[illegible] moribus [illegible]

Dico non obstat quod [illegible] Romanorum [illegible]
[illegible]

sua auctoritate in scriptura redigi curavit l. 2. § tarta C. de V. Je. ... Jus est scriptum, quia hec divini refert. ... illud, quod ante Justinianum obtinuit.

Jus scriptum constat ex legibus, Plebiscitis, Senatusconsultis, ex placitis Principum, et Edictis Pretorum, et responsis Prudentum. Quia Romanum institutum est a Populo, a Plebe, a Senatu, a Magistratu, a Principe, a Prudentibus qui apud Romanos ... habuerunt.

Q. ... ne ... scriptura ... esse introducta ... a Pomponio in l. 2. ... origine iuris.

Qui Pomponius ... Pandectarum ... Authoris, ... licet.

§. IX.

[illegible]

[illegible]

[illegible]

infra[illegible] declaret [illegible] bus, qui

[illegible] obtin[illegible] [illegible] [illegible] autem
[illegible] non [illegible] [illegible]
[illegible] [illegible] non [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] gubernet, et [illegible]
[illegible] [illegible] [illegible] in [illegible]
[illegible], [illegible] autem de [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] non potest [illegible], [illegible]
me [illegible] [illegible].

[illegible]

§. XI.

[illegible] naturale et [illegible] immutabilis,
quia Deus naturale et Deus [illegible] anime
[illegible] simplicit[illegible] [illegible], quia
in toto immutabilis [illegible]

Deo non obstat, quod liberum [illegible] naturalis
[illegible] [illegible] modi [illegible] [illegible];
et [illegible] [illegible] [illegible]

quia Deus [illegible] immutabile [illegible], ut in totum
[illegible] et [illegible] [illegible] [illegible]

[illegible]

inter cam, quod effectum [illegible]
et ex parte [illegible].
Ius gentium secundarium, et ius civile mutabile est, quia ius utrumque convenit a rationali et ordinatione hominum, quae mutabilis est. [illegible] quod ius [illegible] appellatum est, [illegible] et [illegible], quia est constans et gratuita, [illegible] Quia mutabilitas [illegible] fit non ex [illegible] et defectu eius [illegible] sed ex defectu et vitio hominum, et legislatoris. [illegible]
Ius omne pertinet ad personas res et actiones. [illegible] obstat [illegible] aut [illegible] aut minuendo. l. finali ff. de ll. Quia [illegible] generalis et universalis iuris civilis [illegible] ibi autem universum ius [illegible] continetur [illegible]
[illegible]
De iure Personarum tit. III.
Cum [illegible]
[illegible]
[illegible]

et cum in hoc tit. agat. de libertate et servitute, iuxta summam divisionem personarum in liberos homines et servos, dividitur tit. in 3 partes in pa. traditur diffinitio libertatis, in 2a diffinitio servitutis et [illegible] eiusdem, in 3a divisio hominum.

1a. diviso § 1o Libertas e naturalis facultas, quod cuique facere libet, unde essentia, et facultas libertatis a iure natura est instituta, et quidem effectivè inclusivè dici n. obstat quod iure nae libertatis nomen erat incognitum l. 4 ff. de iust. et iure. Quia licet verbum libertatis sit iure naturali incognitum, tamen facultas, et essentia libertatis a naturali iure instituta e.

2a divis. pars § 2o

Servitus e constitutio iuris gentium, qua quis dominio alieno contra naturam subiicitur.

Quia [illegible], et manumissio a iure gentium originem sumpsit, et introducta est, non obstat, quod constituere e gentium iuris civi-

lis. quia

lis, quia constitutis intellectum [illegible]
per continuum [illegible] etc.

§ Quarto

Ratio ex Aristotele: al homini capto [illegible]
sunt. [illegible] iure gentium [illegible]
[illegible] et [illegible] incapacius [illegible]
[illegible] et [illegible] habebant, et convenienter
[illegible] servituti subiiciendi [illegible]. [illegible]
[illegible] quod tanti [illegible] liberi manent
quia continuatur intellig[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] etc.

Qui venundari nati sunt [illegible] navigandi [illegible]
servi [illegible].

Quia maxima hominum [illegible] libertate [illegible]
inestimabilem [illegible]
naturae [illegible] [illegible]
[illegible]
[illegible] ut tali libertate [illegible]
[illegible] efficiat [illegible] liberi [illegible]
[illegible]
[illegible]

incidet in redditu[m] patere degenere eius
animam qui sem[per] inestimabile [...] [...]

§. Ultimo.

Servor[um] d[ifferenti]a nulla omnino e[st].

Quia o[mn]es servi eque sunt [...] eundem habent statu[m] et equalitatem in iure q[uam] nulli habent. Ideo non obstat, q[uod] servi alii ordinarii dicunt[ur] alii vicarii in l. si servus ff. de pec., quia, et si nomine inter se differunt, et quoad ministeria servilia, tamen quoad statu[m] nulla e[st] inter eos diff[erenti]a.

§. Ultimo.

Der[...] part.

Liberor[um] hominu[m] multe sunt diff[erenti]e

Quia in liberis hominib[us] multu[m] intere[st] an liber nati, an libertate [...], illi [...] ser [...] sunt et plenum [...] [...] liberi, hi libertini, et propter [...] liberatis [...] [...] [...] obsequia, et iura [...] l. [...]

de obsequiis. Ideo non [illegible], quod ingenui et [illegible] ambo fruuntur libertate
qua unica est et unica conditio, nullam
inter eos differentiam [illegible] ad libertatem
saltem quoad [illegible]

[illegible]

Cum libero homine [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Quia [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Quia man[illegible] in [illegible] eritate [illegible] in opinione [illegible] 2a
[illegible] [illegible] [illegible] manum[illegible]
[illegible] liberum [illegible] in [illegible]
manumisso [illegible] [illegible]
in manumissione [illegible] ista [illegible]
[illegible] privata et iniusta ut hic

Tit. 5. Titulus quintus.

De Libertinis.

[illegible] [illegible] [illegible] [illegible]
[illegible] quatuor partes [illegible]
[illegible] libertini [illegible] In 2a manumissio 3a
[illegible] et [illegible] in 3a modus manumittendi
[illegible] 4a manumissionis effectus.

[illegible] Libertinus de [illegible] Prime: [illegible] [illegible] manu[illegible]
[illegible] Quia manumissus [illegible]
[illegible] libertinus [illegible]
[illegible] [illegible]
[illegible] libertini
l. 24 ff. de [illegible]
[illegible]
[illegible]
[illegible]

2ª ti. [illegible]

§ Primo

Manumissio est [illegible] manu datio [illegible] potestate libertatis [illegible] ex iure gentium.

~~Servi a dominis manumitti solent~~

Quia [illegible] numinis a servitute liberat [illegible] gentium est introducta, cuius autem [illegible] eiusdem [illegible] liberatur [illegible] stat [illegible] manumissio libertate [illegible]

Quia [illegible] manumissi [illegible] libertati [illegible] a servitute liberatur [illegible]

3ª tit. [illegible]

§ 1.

Servi a dominis manumitti solent [illegible] aut vindicta inter amicos [illegible] testamento aut [illegible] libertate [illegible]

Quia regulariter [illegible] potest [illegible] quocunque modo [illegible]

[illegible]

[illegible] ... tenta [illegible]

[illegible]

[illegible] manumissi [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] manumissi

e [illegible] [illegible] et voluntarie [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] in [illegible] [illegible] e [illegible]

voluntarie iurisd[illegible].

4.a dt. part. [illegible] §. V[illegible]

Omnes manumissi [illegible] [illegible] [illegible] cives

[illegible] quia [illegible] [illegible] [illegible]

et [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] manumissi [illegible] [illegible]

[illegible] cive Rom. [illegible] [illegible] [illegible]

[illegible] [illegible] quia hoc [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible].

Tit. sextus.

Quib. ex causis manumittere n. licet.

Accerw de lege [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

Quie. tit. seq.

Dividitur tit. in 2. in pa tradit. pus caput leg: elicientia, eciis exceptio in 2.a secundi cap. et eiusdem abrogatio.

i. tit. prae Princ.

Dominus qui solvendo no e in fraude creditorum manumittere n potest.

Quia fraus unius alteri iudicare n debet et habitum e alteri q alterum iniquu hoc deterior conditio infam. Dicit n obstat qd amplius Potestas dominis . . . concessa e, quia . . . nisi . . . leg: dispositio ut hic . . .

§ 3.

In fraudem manumittere . . . creditoris . . . habere . . .

Quia facta fraus a domino . . . habet animus et . . . n obstat qd solvendo . . . abstrac . . . animum . . . comissaria . . . effectus . . .

in manumiss. h. e. ... ab herede to-
... a domino directa cum
sit ... directis ... quas ...

§ Primo.

Licet tamen domino, qui ... est in ... etiam
servus ... liberta ... herede
instituere ... necessarium ha-
bere.

Quia ... dominus habere servum heredem neces-
sarium qui ipso iure continuo fitat ...
... vendende sunt ...
... si non sufficiat creditoribus, quod ... et
ignominiam. ... qui ser-
vus ... hereditatem adire ... l. 3.ª in fine, C. de hered. inst. Quia conditio
... servo quod acquirit libertatem ...
... ...

2.ª hic pars. § 4, et 5.

Dominus minor .20. annis manumittere non potest
nisi vindicta ex iusta causa manumissionis
a ... approbata. Quia manu-
missio est quedam alienatio, ideo ...

10.

n̄ temere tribuendo minori sed lib. habend.
ne damnum [illegible] at se [illegible] n̄ numin.

Dico n̄ obstat, q̄ quilibet in re sua ē moderator,
quia dicit quando [illegible] n̄ resistit [illegible]

§ sexto.

Manumissionis causa semel [illegible] sine
[illegible] sine falsa n̄ retractat; Dico
n̄ obstat, quia semel approbata n̄
ē amplius improbanda, [illegible] [illegible]
[illegible] quē sed omnibus [illegible] inordinabilia
[illegible] qd libera [illegible]
[illegible] renovari quia pred.
hic [illegible] favore, ibi autem
[illegible] ingratitudine quae maximus
[illegible] ē.

§. septimo.

Quae vero si dominus manumittat in testament.
annos 17 complevent et 18 attigerit
valet manumissio quia sit minor 25.
annis tamen suos servos manumittere
prohibetur, cum minori qui 14 complevit
de reb. [illegible] in reb. testamento [illegible]
[illegible] erat et lib.

et pectoralibus nec [illegible] committenda,
itaque hoc ad 17 annum completum re=
[illegible] mediae aetatis inter
iuvenilem et 14 annum et nunc haec etas
[illegible] denumque habet [illegible] dici
[illegible] etas 25 [illegible] in iudices
exigit. l. 8. ff. de muneribus. Quia etas
17 [illegible] iam [illegible]
[illegible] et firmum habet iudicium ut committi
[illegible] aliis [illegible]
[illegible] multi [illegible]
[illegible]

§ secundo.

Teneor tamen [illegible] nulla [illegible]
[illegible] Quia qui
[illegible] necessario
[illegible] et [illegible]
ad illud [illegible] quaerimus. Dicendum est quod
[illegible] in [illegible] forma [illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

Lege furia sublata hodie omnes servi manumitti in tes-
tam[ent]o possunt. quia inhumana, et iniuria
plena uidetur lex contraria libero testamenti
factioni, et libertati cuius summus est fauor ac
[illegible] abundare liberis hominibus ciuitatem
Dici non obstat quod manumissio in testamento odio
heredis fieri uidetur [illegible]
Quia hoc fauore libertatis ac publicae utili-
tatis est introducta, et [illegible]
[illegible]
[illegible]
[illegible] de his qui sunt sui vel alieni iuris.

[illegible]

[illegible] liberos [illegible]
[illegible]
[illegible] potestati hoc tit. [illegible]
tit. seq. et c.
Diuid. tit. in 2 partes in 1ª trad. de potestate domini
in seruos. In 2ª [illegible]
[illegible] seruus manumissus [illegible]

potius huius loci a ture rerum potestate, et plenius acquisitus rei omnium acquisitio. Cum in eo casu in dicto lo olim in gleba domino ... tori esant, at rei in dominum alterius nullo ... acquirere pt. Dici nd ... si enim ... ut sibi acqui licat, hoc illi soli acquirit, nd autem domino, sed eum infra ... quia hoc ... ibi ... acquisitus facit cuius ... eum ... nalis ut nd in acquirit iuri, ut huius nullo sibi acquirere pt

Quare ... nd licet domino servo ... sua ... in eo ... tate exercere sub ... necessaria ... quia ... nunc ... ab humanitate abhorret. ... nd ... domino ... impune ... at l. 96. ff. de ... quia ... subito ... factum ... lege ... Cod. ... tit. 9. de Patria Potestate

De Patria Potestate

...

...

14

[illegible] cavsa [illegible] ... [illegible]
calia [illegible]. In 2° [illegible]
potestatis [illegible]. In 3° liberos in
potestate [illegible], qui non habeant

potestate [illegible] iure liberi [illegible]
[illegible]. Quia qui [illegible]
[illegible] nascentes [illegible] habent
qui [illegible] unde [illegible]
[illegible] potestate [illegible]
[illegible] potestatis
[illegible] fecunditate [illegible]
[illegible] magno [illegible]
[illegible] qui [illegible]
[illegible] potestate [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

Quia matrimonium animi conjunctione contrahitur ... designatur ut ... nisi more ... Ideo non obstat quum et mulier ... convenire et ... non ... quod matrimonium non est ... et mulier ... communi via ... intelligitur ... principaliter non ... et ... affectione ...

... Quia ... potestatis ... Romanorum ... potestas ... et ... Romanorum ... non obstat, quod ius ... potestatis ... Quia ... potestas non consideratur ... non ... sed qualificata ... Romani ... omnino ...

3.a tit. pars

... habere ... vel ... linea ... Quia ... liberi ...

cererent incenderent maxime similiter quo iure via voti committe[illegible] [illegible]: in una et eadem domus parentib[us] debet[ur] reverentia, q[uia] et parentib[us] ex [illegible] materna via voti committi. Quia [illegible] [illegible] [illegible] similiar [illegible] [illegible] [illegible] materna [illegible] [illegible] [illegible] paterna [illegible] [illegible].

De Matri[monio] Tit: X.

[illegible]

[illegible]

[illegible]

hec sola [illegible] actus [illegible]

[illegible]

[illegible]

[illegible]

nd ob, qd conservus ad [illegible]

[illegible] Quia mulier [illegible]

[illegible]

quod masculus.

[illegible]

[illegible] simul ex principali,

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ine sbi: q[uo]d Pater et filius enter [illegible]

[illegible] s.6.o [illegible]

[illegible] ius filius ex alia uxore [illegible]

[illegible] quia fictio [illegible]

[illegible] in [illegible] [illegible]

[illegible]

2a tit. pass.

Consanguinei in [illegible] in linea recta in infinitum s.1o, in linea transuersa ad 4um [illegible] inclusiue inter inequales, s.2o.3o.5. [illegible] inter equales exclusiue, s.4o. [illegible] nalis quia honorificentia [illegible] [illegible] parentib. ut inter se habent, usque 4um gradum, qui inter se in 4o gradu sunt in linea inequali [illegible].

Unde Pater filiae, s.1o. [illegible] s.2o. [illegible] [illegible]

[illegible] nec amita [illegible]
[illegible] aut nepti § 5. [illegible]
[illegible] lib. [illegible] 10. [illegible]
[illegible] matrimonij [illegible]
[illegible]

Hec ob: quod [illegible]
[illegible]
[illegible]

Affines matrimonio [illegible] non possunt § 6. 7. 9.
quia in [illegible]
[illegible] matrimonium contrahi posset. Hec
[illegible] quod effectus non [illegible]
[illegible] affinitas, quae est effectus matrimonij
non debet matrimonium [illegible] quia
affinitas est effectus matrimonij [illegible]
et illud non [illegible] sed illud inter
illos, inter quos propter matrimonium
est contracta affinitas.
§ 8. [illegible]

Filius et uxore [illegible]
§ 10. et 11.
[illegible]

quia effectus contracta in servitute impedimentum nisi ... Patermatrimonii ... manumissus ... Quia in matrimonijs contrahendis natura ius, et pudor est inspiciendus. Ideo non obstat, quod servi nec cognatos ullos nec ... habent. ...
ius: ... servuli ... Quia ... quod ius ... in illis, quae ... natura ius ut in matrimonio in quo
3.a tit. ... et natura ratio spectatur ...

Ex illicito matrimonio neque viri neque uxoris ... ullum ius ... Quia ... qui ... Ideo non ... quod ... tota tit. ... quia ... non ...

De ... ibus.

Tit: XI.

Sed adoptiva ... Patria potestatis constituende ...

[illegible]

[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] ita [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]

lineæ.

[illegible] in linea Ascendenti et Descendenti, quot sunt personæ, de quarum gradu quæritur, una dempta [illegible], [illegible] [illegible] [illegible], seu [illegible] [illegible] ab eo [illegible] personæ [illegible].

Exemplum [illegible]

Thare (?)

Abraham

Isaac

Iacob

Ioseph

[illegible] [illegible] [illegible] Thare et Ioseph (?) [illegible] [illegible] [illegible], [illegible] [illegible] Abraham, Isaac, [illegible] Ioseph [illegible] [illegible] 5 personæ [illegible] [illegible] [illegible] [illegible] 4^m [illegible] [illegible] [illegible] et [illegible] in 1° [illegible] [illegible] [illegible] in 3° [illegible] et [illegible] in 2° Abraham et Thare in [illegible] [illegible] [illegible] 2^m [illegible] [illegible] [illegible] 2^m Proneos (?) 3^m Abnepotem (?).

[illegible] ... quatuor [illegible]
[illegible] ... [illegible]
[illegible] 35. 9 [illegible]

Exemplum [illegible]

Aeacus

Peleus	Telamon
Achilles	Aiax
Pyrrhus	Phileus

[illegible] Pyrrhus et Phileus numerantur [illegible]
[illegible] Pyrrhus [illegible] Aeacus et [illegible]
[illegible] Pyrrhus et Phileus [illegible]
[illegible] Achilles et Aiax [illegible] Peleus et Telamon
[illegible]
[illegible] 35. 9 [illegible]
[illegible]
[illegible]

[illegible] in [illegible] non [illegible] [illegible] [illegible]

Premièrement [illegible]

[illegible]

Peleus	Telamon
Achilles	Ajax
Pirrus	[illegible]

[illegible] Telamon [illegible] et Ajax [illegible]
[illegible]
[illegible] 3º gradu, [illegible] et a Velamone, et ab Aiace (3º gradu) [illegible]
[illegible]

[illegible]

[illegible] et [illegible]

[illegible]

Laus Deo

[illegible]

qua nomine proprio carens retinet
eundem nomen generis, et simul
lat. adoptio in spec. seu specialiter alte
tera qua generali quia nomine ap-
pellatur adrogatio. etc.

Divid. tit. in duas partes. In p.ª traduntur
propria adoptionis generalis et ad[illegible]
[illegible] ; in 2.ª communia [illegible] [illegible]

Adoptantur filii familias [illegible] in [illegible]
tur ab ascendentibus [illegible] [illegible] ab [illegible]
[illegible] [illegible] [illegible] [illegible] minime
quia eveniebat [illegible] [illegible]
[illegible] [illegible] [illegible] adoptatum
emancipaleret [illegible] hic [illegible]
patrimonio. [illegible] [illegible] ad [illegible] qua
[illegible] [illegible] qui [illegible] in potes-
tate [illegible], l. 1ª hoc tit. quia
[illegible] [illegible] [illegible] [illegible] ante [illegible]
[illegible] [illegible]. etc.

[illegible] [illegible] [illegible] [illegible] [illegible]

cr rescripto Princ. quia qui ar=
rogat. potestati alterius subijcitur, cuius
factus est tunc capax filij familias
cum capite suo inuere et se et disponi
ncorrerit, et cum tota familia sua
etiant in [illegible] Ideo Principis
[illegible] requirit. ubi [illegible] maius est
periculu ibi cautio [illegible]
[illegible] qd arrogatio requireret in concil
[illegible] ea omnis esset Imperatori autho=
ritate, cum difficile sit Princ. com
cuius rei caa [illegible] adire, quia [illegible]
[illegible] Imperatori sententia, sed ut
[illegible] auctoritatem [illegible]

§ 3°

Impubes cum arrogat. caa arrogatoris [illegible]
quirenda [illegible] ad arro=
gatoris [illegible] se tamen
[illegible] impubes [illegible] resti=
tutum illi qui [illegible]
[illegible] et ad successionem [illegible]

nerturi; quia pupillo et suis in
futurum etiam [illegible] tendas ne arroga-
tor [illegible] amplius et voluntatis
bona arrogati suis fraudare possit.
ideo n. ob: qd inter patrem et filium
cautiones interponi ne videntur lege
Imp: ff ad Sen: Con: Trebelianum
etia n. cavet pupillo sed suis
qui immuberis successione [illegible] eius
pubertate [illegible].

§ XI.

Qui liberos in potestate habent si se arro-
gandos dederint n. solum ipse ad [illegible]
[illegible] potestate [illegible] sed et liberi
sunt in eius potestate. quia qui
arrogatur [illegible] subiit
[illegible]
e nihil [illegible] habere [illegible]
ob. qd ut [illegible]
[illegible]

iebeat an id beneficium, y.° a cola
arrogationem dimis... eius; quia n°
intervenerit notitia ...
... Quia hoc in concess
2.° cc. p.a: ... effecit. quia natura requid ...

§ IV.

Minor natu adoptare n° potest, sed ...
pubertate, id est .18. anis adoptand... v.
... succedere. ... adoptio
imitat. naturam, et q.° monstro esset ut
maior filius esset, ... Ideo
n° ob., q.° post .14. ... qui
nup. contrahere, ac natura filios ...
cere ... adopti naturam ...
... sed adoptan... ...
... 14.° ... ; Quia hoc ... eveni
ut ... ante .14. ann. filii ...
... et lex ad ea quam frequentius
... quam ... accidunt, se adap...
...

Vo V. VI. ...

§. V. VI.

In omnes gradu liberor. fieri potest adoptio, ut loco [illegible] in locum filii, quamquam ipse filios non habeat et tamen nepote alienum in loco filii, quam filium in locum nepotis, quia lex illa potentia contenta est. Videri non obstat quod secundum naturam non est ut qui habeat nepotem filium non habeat, igitur ita adoptio fieri non potest. Quia in gesta potentia, non est contra naturam, ut qui ad liberos procreanda idoneus est, nepotem habeat, qui filium non habet.

§. VII.

Si quis nepotis loco [illegible], filium consentire [illegible]. Quia adoptatus nepotis loco fieri [illegible] [illegible], neminem [illegible] in [illegible] [illegible] [illegible] [illegible] quod [illegible] potestas [illegible]

ē Parentib.⁹ in filios; quia procedit quando
nō agit.ʳ de ꝓjud.° filij.

§. VIII.

Si quis nō exhæredatum adoptavit nec potest eundem
in adoptionem alijs dare; Quia adoptivi
liberi transeunt in plenam potestatem
adoptantis; Ideo nō ob: quod eo tempore realia
in eandem personam concurrerent, uni
qd. alterum 2ª adoptionis q.d. jubet;
Quia secundum realis concurrit in conse-
quentia, n. tamen ibem dicitur
qd. ...

§. IX.

Castrati adoptare prohibentur: spadones autem
possunt; Quia lex n. audet, ad n.
ipsa negat; Castrati autem impedim.
generandi habent a nat.° et per ... spadones
spadones ab accidente, et mutabili.
... ...
... nec adoptare n. possunt

g.º nec pr[illegible]one, quia licet communi
[illegible] noie conveniant; tamen
diversa rone distinguunt.

§.º X.

Feminae nec adoptare nec arrogare possunt,
nisi ex indulgentia Principis. quia
filios in potestate [illegible]
cum adoptionis finis ē.; ideo non obl[illegible]
filii nat[illegible] seq. matrem, l. 24. ff. de
statu hominum; q.º cum adoptio imi-
tetur naturam, feminae filios adoptare
possunt. quia quoad legem natae
imperfecta, non potestatis.

[illegible]

et secuti n[illegible] sunt post eius mortem in [illegible]
notate [illegible] [illegible] [illegible] [illegible] A[illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] sed iustum
[illegible] [illegible] [illegible] [illegible]. Quia A[illegible] et
[illegible] sunt una [illegible] in [illegible] et
[illegible] [illegible] [illegible] [illegible] ubi autem [illegible],
[illegible] [illegible] [illegible] videntur, a[illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible]

C.° II.

[illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible]

[illegible]

ut hic ...

Patriciatus dignitas filium familias [illegible]

[illegible]

a sua patria potestate [illegible]

lo liberare, multo magis principis

ipsum in Patre eligendo [illegible]

[illegible]

quasi Patres [illegible]

convenient [illegible]

[illegible]

S.o V.

ia rura recurrere, et [illegible]
rare, [illegible]
per[illegible] in. [illegible]

§. VI.

[illegible] liber in voluntate
[illegible] velit, [illegible]
[illegible]
[illegible] voluntate [illegible]
nitur, quia cuilibet in re sua
e [illegible] et [illegible]
[illegible]
aequum, ita quoque [illegible]
[illegible] ne
[illegible]
[illegible]
naturalis, et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

me.

que [illegible] [illegible] modo [illegible]
[illegible] [illegible] [illegible]

[illegible] enarrabit [illegible] ex [illegible]
[illegible] introd[illegible] et [illegible]
magnarias [illegible] [illegible]
[illegible] observationu[illegible]
in Trag: tit. X. [illegible]
[illegible] ex [illegible] [illegible] [illegible]
quae [illegible] [illegible]
[illegible] [illegible]
[illegible] marcis [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]

§. VII.

[illegible] [illegible]
[illegible] et [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible]

Nec obst: q^d Pater filium invitum emancipare non potest [illegible] pater in arbitrio filii emancipandi [illegible]
quia licet Patri non sit [illegible] emancipare filiis [illegible] [illegible]
[illegible] arbitrium [illegible]
[illegible] filium emancipare, [illegible]

§: IX

Filius sui iuris factus [illegible]
3. [illegible] [illegible] in potestate habet [illegible]
[illegible]
[illegible] Quia [illegible]
[illegible] ex [illegible]
[illegible]
[illegible] filio meo in mea [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

fili

[illegible] [illegible] ratiy [illegible] ac [illegible] filium
[illegible] [illegible] [illegible] [illegible] [illegible]
in [illegible] parentis [illegible]
[illegible] qd [illegible] [illegible] ex [illegible]
[illegible] [illegible] libera [illegible] §. [illegible]
[illegible] de ing: g.° [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

§. VIII.

[illegible]

§. Vltimo.

Parentes carnales, quam [illegible] filii emu[illegible]
[illegible] emanationem; Quia [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible] emanciret [illegible]
[illegible]
[illegible]
[illegible]
[illegible] Pater [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
rimis [illegible]
[illegible] Pa[illegible]

[illegible]

inuiti filius emancipat. [illegible] malos ob
mor. [illegible] 12. tit. [illegible] ff. de [illegible]
[illegible]

De Tutelis.

Tit. XIII.

Expositis his, qui sunt in aliena [illegible]
tit. 8. Patria tit. 9. sequitur de illis
qui sunt [illegible] quorum alii sunt sub tutela
[illegible] alii sub cura
adolescentes, [illegible]
ut qui [illegible]
[illegible] in hac materia
[illegible] tutelis [illegible]
tit. 13. [illegible]
[illegible] testamentaria [illegible]
[illegible] tit. XV. et IV. [illegible] et [illegible]
tit. XX. [illegible]
[illegible]
[illegible]

comunia in tut. et cura, videlicet ad . . . tit: 24, excusatio tit. 25, crimen susp. tit. 26.

Divid. tit: in duas partes, in 1.ma tut. defin. . . . tutela ex testamento . . . a quib. et quib. tutores dari possunt hoc tit: . . . et quomodo . . . tit. . . .

1.ma pars . . .

§. Primo

Tutela defin. . . . ac potestas in capite libero ad . . . quia tutor auctoritate gubernat . . . Pupilli habet et potestatem eius bona administrandi . . . ad tutela iure civili et . . . quia . . . hoc loco . . .

. . . quia . . .

. . .

debet que ... procreare, et

dominicae libera, cuiq: verio: Hoc ob:

q.d Pretor datus [illegible]

tutela, l. [illegible] minores C. de t. test.

pat. quia in [illegible]

[illegible] quo casu [illegible]

potest extinqui.

Ob. a Iure civ. [illegible] quia tutela [illegible]

iure civ. [illegible] certa forma [illegible]

r. a Iud. que [illegible]

ob: ad tutela [illegible]

q.d male [illegible] a iure civil. [illegible]

[illegible]

[illegible]

§ II.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

... quadriod fieri solet.

2ª ... can.

§ iii.

Tutores ... liberis ... subiectis, impuberis ... morte ... in aliena potestate ... futuris sui iuris.

Quia patria potes ...

[illegible]

... auxiliaris etatis ...

[illegible]

... includit.

Impuberibus ... e. Quia ...

Le ...

testter., ac qui vie filiis impuberibus
relinqui tutores solent, dicen. n. obst.
et communt. puberib. n. n. dant. tutores
sed Curatores, dicen. n. ob., quod si
cis tutorem puberi filio nominet, et
valet l. [illegible] ff. de confirmando tutore,
etiam Puberi dari potest; Quia
ibi improprie, et in [illegible] cura Puberi
filio tutor a Patre datus fuit, hinc ut
curator ex voluntate testatoris c.

Non recamus post morte dantis in aliena
potestate [illegible] tutori [illegible]
dant.; Quia existentes in potestate, [illegible]
[illegible] n. [illegible], cum regulariter suffi-
cienter a Patre gubernari [illegible].
dicen. n. obs. qd. tutor datus [illegible]
[illegible] [illegible] [illegible] tutor [illegible]
[illegible], l. finali [illegible] C. de [illegible]
[illegible] [illegible] [illegible] in potestate
[illegible] [illegible] potest; Quia [illegible]

ib e pater furi dijudicare ve ...
...

§ IV.

Posthumis etiam tutores testam. dari possunt
quia posthumi q rati habentur ...
de ...
...
... male ... tutela ...
posthumis, quia ...

§ V.

Emancipato filio tutor a Patre iure ...
n potest ... tamen ...
... firmandus e ...

Quia Pater ... tutela ...
...
...
...
... lege ...
tutela filii emancipato ...
...
quia filio ... emancip...

rant

pierie Pria potes. Pater enim ...
ex.et. liberis suis optime ...

Qui Testam. Tutores
dari Possunt

Tit: XIIII.

Quoniam e ... testamentaria, qui testam.
et quib. tutores dari possunt nunc ...
quib. tutores dari etiam, et quomodo
possint.

Divid: ... in duas partes, In 1.ma trad: qui dari
possint tutores, In 2.a quomodo.

1.ª ... explicat.

Princ:

Filius etiam, et Pater familias dari tutor tes-
tam. potest. Quia tutela ad publi-
cas functiones pertinet, ... filius fami-
... et ... publicis ... pat...
familias ... filii
familias ... potest ...
potest habere ...
Quia filius familias tutela exercet
... et munus publicum

in Pupillis autem casu Pria votos nd
a ter^dm.

§. Primo

Servus proprius cum v. pure libertate, Tutor datus
et tutelas et libertate directa consequi:
velut servum meum Stichum tutor est. Quia
ex sumpta domini voluntate statim
a tempore mortis, et ab aditae hereditatis
se tutor fieri debet et directa libe..
quod etiam fauor libertatis et [illegible] et [illegible]
Pupillorum, ut [illegible]
[illegible]
[illegible] tutori relicto [illegible]
libertatis [illegible] fideicommissaria libertas
[illegible] l. [illegible] C. de
fideicommiss. Quia in d. lege [illegible]
hoc addit [illegible]
[illegible] ut hoc [illegible]
libertatis et [illegible]

§. II.

Pupillus, et minor [illegible]

[illegible]

Tutor dat.; et tunc Tutor erit, cum sane mentis aut maior 15. annis factus fuerit. Quia ex voluntate Testatoris tacita subintellig. conditio adiecta, cum furiosus sanae mentis et minor, maior 25. an. factus fuerit. Quod non est: quod dicto Tutore furioso, vel minore interim alius dat. a magistratu donec veniunt ad iustam etatem, et sanæ mentem, q. aut non sunt tutores, aut falsa regula; quod iure habere tutor non dat. Quia Tutores intelliguntur non actu sed spe, et sine potestate administrandi.

explicat. 2a tit. pars.

§. iii.

Pure non [illegible] et absolute Tutor dari potest, sed etiam ad certum tempus, vel ex certo tempore vel sub cond. Quia leve. 12. Tabular. [illegible] [illegible] omnia [illegible] ut quoquo modo vel hinc [illegible] [illegible] [illegible] [illegible] dari [illegible]; sed non est [illegible] [illegible] [illegible] [illegible]

hereditatis aditio, datio Tutoris non recipiunt diem neque conditionem l. actus legitimi ff. de Regulis Juris, quod datio Tutoris sub conditione vitiatur, quia datio Tutelae in Personam, non est actus legitimus id admittens.

§ IV.

[illegible]

§ V.

[illegible]

XV.

[illegible]

[illegible]

Casus s.o secundo.

[illegible]

[illegible] tio [illegible]

[illegible]

[illegible] testator decesserit, et ad [illegible]

[illegible] pupillus. [illegible]

[illegible]

[illegible] habuisse esse [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

explicatur [illegible]

S.o iii

[illegible]

[illegible]

A. P. O. M.

Quia tutela [illegible]
[illegible]
[illegible]
[illegible] Amici [illegible]
[illegible] 4. S. [illegible]
[illegible]
[illegible] Amici [illegible]
[illegible]
[illegible]
quia [illegible] tutela [illegible]
[illegible]
aut [illegible]
[illegible] licet [illegible]
[illegible]
[illegible]

[illegible] [illegible] [illegible] diminutione
[illegible] [illegible]
[illegible] [illegible]
[illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible], et familia [illegible]
[illegible] agnationis [illegible]
[illegible] familiam [illegible]
et [illegible]

[illegible] emancipatio, [illegible] minima [illegible]
diminutio [illegible] familia [illegible]
4° [illegible]
[illegible] nec [illegible] familia [illegible]
[illegible]
[illegible]
et [illegible] familia
[illegible]
[illegible]
[illegible]
[illegible] familia [illegible]

[illegible] aut [illegible]

De capitis diminut.

Titulus XVI.

[illegible]

Diuid. [illegible] in 1.am [illegible] diminutio; in 2.a [illegible] In 3.a [illegible]

explicat. prima pars. — [illegible]

Prin:

Capitis diminutio e[st] prioris status, v[el] conditionis mutatio, quia diminutio mutationem et caput [illegible] hic metafonice [illegible] [illegible] cat [illegible] libertate [illegible] civitate [illegible] familia [illegible] n[on] [illegible] filius familias, patrem [illegible] [illegible] status mutat[illegible] tamen [illegible] minuitur [illegible] familia [illegible] [illegible] libertate nec civitate

explicatur rec. familiar mutat, in quib. [illegible]
[illegible] continentur.

Diuid. capitis diminutio triplex, maxima, media siue minor et minima. Quia tria sunt quae ciuis Romani persona habet libertatem, ciuitatem, et familiam, ideo quia tria sunt status capitis, ita tres diminutiones, seu mutationes. Nec obstat ad [illegible] a [illegible] diminutio [illegible] magna, et minor [illegible] ciuis [illegible] cognitionibus [illegible] in [illegible] lege [illegible] maiore [illegible] maxima [illegible] et media, [illegible] decem [illegible] sexagesimo [illegible] minima [illegible] maxima [illegible] minima [illegible]

[illegible] Primo.

[illegible]

[illegible]

[illegible]

[illegible] intelligi [illegible] libertas [illegible]
et [illegible]
[illegible]
[illegible]

§. ii.

Medio [illegible] in [illegible]
[illegible]
medio [illegible]
in familia [illegible]
et [illegible]
[illegible]
[illegible]
[illegible]

§. iii.

Minima [illegible]
[illegible]
[illegible]
[illegible]

quod minimum e inter libertatem et Ci-
vitatem. Quod non dicitur de filiis familias
que emancipatione non minuunt statum imo
auget cum sui iuris efficiantur. Quia
statum familiae mutat, ad [illegible]
excludat 3ª et casu. ad capitis diminutionem pertinere [illegible]

§. IV e V.

Servus a domino manumissus similiter, qui e
a dignitate motus caput non minuunt
Quia capitis diminutio e status mutatio
a libertate, aut Civitate aut fami-
lia [illegible] servus non habet [illegible]
a dignitate motus [illegible] Quod non
[illegible] de filiis familias emancipatione
caput minuunt [illegible] et servus [illegible]
[illegible]
[illegible]
[illegible]

§. VI [illegible]

[illegible]

scrit: quia maxima et [illegible]
[illegible] mox similis [illegible]
sic [illegible] ita, et [illegible]
operationis utraq. [illegible]
[illegible] minime non [illegible]
[illegible]
[illegible] est [illegible]
[illegible]
quie [illegible]
[illegible]
[illegible]
gratio nulla [illegible]
operatio et [illegible] mera [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

De [illegible]

Cap. XVII.

[illegible]

he [illegible] diminut[illegible] [illegible] ques [illegible]
[illegible] [illegible] [illegible] [illegible] libe-
[illegible]: eos in libertos impuberes ma-
[illegible]; Quia Patroni [illegible]
libertos in [illegible] [illegible]
nent legitimi, [illegible] [illegible] [illegible]
emolumenta [illegible] [illegible], et tutela
onus [illegible] esse iubet.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] vocat ad liberos
tutela[illegible]. Quia [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible].

De legit[illegible] Patron[illegible] tutela

Tit: XVIII.

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] tutela [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible]

De Fiduciaria Tutela
Tit. XIX

[illegible]

de Atuneo emancipato. quia ius [illegible]

[illegible]

De Atiliani Tutore

Tit: XX:

[illegible]

[illegible] et [illegible]

[illegible]

[illegible]

[illegible] aut ex die ero [illegible]

[illegible]

[illegible]

[illegible] et in [illegible]

[illegible]

[illegible]

[illegible]

[illegible] et [illegible]

[illegible] et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

§. III. IV. V.

Dizionario giuridico (in latino)

Sec XVI [illegible]

[illegible]

[illegible]

[illegible] V.

[illegible] exigentia [illegible] per [illegible] [illegible]

§ Penult.

[illegible]

§ Ultimo

[illegible]

[illegible] facile [illegible]

[illegible]

[illegible] negligen[illegible]

~~[illegible]~~

De Authoritate Tutor.

Tit: XXI

[illegible]

[illegible] tutoris authori[illegible]

[illegible] liatur [illegible] t. de pact. [illegible] mo[illegible] [illegible]

[illegible]

Pupillus [illegible]

[illegible]

[illegible] ea. [illegible]

[illegible]

[illegible] traditione [illegible] aliis [illegible]
[illegible] autoritate,
[illegible] ad alienandi, [illegible]
[illegible] vidend, [illegible] quae [illegible]
[illegible] autoritate [illegible]
[illegible]
[illegible] coll [illegible]
re, qui dicebant, [illegible] debebant
[illegible]; fieri [illegible] ad [illegible]:
nec animi [illegible] nec [illegible]
[illegible] aliene [illegible]
poterit [illegible]
[illegible] mihi [illegible].

§ Primo.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

ex quodam quasi contractu, et ne ipse
[illegible]
incidat cum hereditates [illegible]
[illegible]
[illegible]
[illegible] conditioni testamentarie
[illegible] auctoritate [illegible]
[illegible]
[illegible] conditioni [illegible]
[illegible]

§ II.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible] cum [illegible]
[illegible]
[illegible]
[illegible]

Quia [illegible] nisi contraria [illegible] forma
et [illegible] regni. [illegible]

§. III.

[illegible] inter [illegible] et [illegible]
[illegible] esse [illegible]
[illegible] esse [illegible]. Quia inter
[illegible] auctoritate [illegible]
[illegible] alio, non [illegible] l. 3. 4.
de Auctoritate [illegible]

[illegible]

[illegible]

[illegible]

Qui [illegible]

[illegible] XXII.

[illegible]

[illegible]

[illegible]

explicat. [illegible] tutoris. [illegible]

[illegible]

Primi.

[illegible] milles, cum pubesci [illegible]

[illegible] 14 [illegible]

12. [illegible]

[illegible]

[illegible] inter [illegible]

[illegible]

[illegible] S [illegible]

[illegible] en [illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible] famil[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

proce[illegible] [illegible]

[illegible] patrimonij [illegible]

[illegible] officiale [illegible]

[illegible] hoc videre [illegible]

[illegible]

quo ad eius bona [illegible]

Labe.

[illegible]

§. II.

[illegible] Quia [illegible]

§. iii.

[illegible]

[illegible]

§. III.

[illegible]

§. IV.

[illegible] maxima, et media [illegible] affectus [illegible] in [illegible] eo [illegible]

redimet

redimit et tunc [illegible]
[illegible]
[illegible] ubi [illegible]
[illegible]
[illegible] eos quas [illegible]
[illegible] manet [illegible]
[illegible]
[illegible]
[illegible] in eo [illegible]
[illegible] idest, [illegible]
[illegible]

[illegible] maxima [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

... a liene-
... deferunt ... mini-
ma cum diminutio ... admi-
... que deferuntur ...
in iure aliene, cum legitime agnati
... in ...
idem in filio familias ...
... in ...
adrogationis sunt omnia ...
... sunt ... nalis ...
... pater eius proximior ... et ...
... gradu a patre ...
... ille ... et ita ...
exceptis iis que ...
... deferuntur ...
... minuentur ...
... diminutio ...
... tit. ... de curatoribus ...

De Curatoribus
Tit. 23.
Hactenus de tutela ... de curatoribus ...
dicitur.

diuid. est in 4. partes et 1a pars qui curatores acciperunt [illegible]; In 2a qui cu-ratores dant; in 3a quomodo curatores dant; in 4a quando curatores deffenunt.

[illegible] ob: causa aliqua? [illegible]

Princ.

Masculi puberes et feminae uiri potentes vsque 25 ann. [illegible] curatores accipiunt. [illegible] puberes [illegible] sunt [illegible] tamen [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

§ I.

Curatores [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quia [illegible] [illegible] [illegible] [illegible] [illegible] post mortem patris [illegible] [illegible] [illegible] [illegible] [illegible] ob; qd Pater

[illegible] tutores dare, qd [illegible]
[illegible] et curatores [illegible]
[illegible] quia [illegible] effectus [illegible]
[illegible] extra [illegible].

§ II.

[illegible] [illegible]
ad [illegible] debitorem
[illegible] curatores
l. 1. § minor [illegible] quia [illegible]
[illegible] creditorib. [illegible]
[illegible].

§ III.

[illegible] licet maiorib. 25. anis ex l.
[illegible] curatores [illegible]
[illegible]
[illegible] quia [illegible]
[illegible]
[illegible] dari tutor [illegible]
[illegible] quidē persona,
[illegible]

[illegible]

§ Vltimo

Pupilli [illegible] habentes [illegible] nec tamen [illegible] administrat [illegible] curatore [illegible] adhuc tut: [illegible] tut: [illegible] Hec [illegible] l. 12. ff. [illegible] tut: [illegible] con [illegible] tut: [illegible] in [illegible]

De Curat.

Tit:

[illegible]

De [illegible] Tutore, v. Cur.

Tit. xxiv.

Hactenus de tut. et cura [illegible] modo [illegible] et in [illegible] de [illegible]

[illegible]

explicat: [illegible]
1a ratio.

Punct:

[illegible] necessario ante administrare [illegible]
[illegible] sint [illegible] inquirit [illegible]
[illegible]
[illegible] caritate [illegible]
[illegible]
[illegible]
[illegible]
[illegible] in omni [illegible]

explicatur 2a rat. ratio. seu administratione [illegible]

§ Primo.

si plures sint [illegible]
[illegible]
[illegible] plus admirabile [illegible]
[illegible]

ac magis

ri mari aut e [illegible] cui ecq[illegible]

Juri haber [illegible]

Aeq: ol. qd retran[illegible] tari et ce incontit dr[illegible]

res exalit. idrei intelligunt, g° inus

[illegible] alijs n satisfa[illegible]

[illegible] n e [illegible] securi[illegible]

reddit pupillus [illegible]

erant [illegible] umo

[illegible]

[illegible]

[illegible] Petr[illegible]

[illegible]

[illegible] Petr[illegible]

[illegible] hoc [illegible] ff. [illegible]

[illegible]

.§. II.

Ex administrat[illegible]

[illegible]

[illegible]

[illegible]

o xia ll. maxime [illegible]
in [illegible] [illegible]
[illegible]
[illegible] maior [illegible]
o nia [illegible] [illegible]
[illegible] minorib. [illegible]
[illegible] .§. iii.

Tutores, et curatores [illegible]
[illegible]
[illegible] qui [illegible]
[illegible] nominat. [illegible]

De [illegible]cusationib. Tutorũ .V. Curatorum.

Tit: XXV.

[illegible]
[illegible]

diuu

Dividitur in [illegible] cursus [illegible] tradunt [illegible]
[illegible] [illegible] contrarie [illegible]
[illegible] peculiaris [illegible] cere

[illegible] Sive:

Qui [illegible] [illegible] 4. [illegible]
[illegible] et a [illegible]
[illegible] in [illegible]
[illegible] in [illegible]
[illegible] et [illegible]
Quia qui [illegible]
[illegible] qui [illegible]
[illegible]
[illegible] : [illegible]
[illegible] : [illegible]
[illegible]
[illegible].

.S. Primo.

[illegible]
[illegible] ; [illegible]

[illegible] en et [illegible], q[illegible] [illegible]
[illegible] [illegible] exerc[illegible] [illegible]
[illegible] q[illegible] [illegible] ad [illegible]
[illegible] [illegible] n[illegible] habent, et
[illegible] [illegible] [illegible]: Quia
[illegible] [illegible] [illegible] n[illegible] intel-
ligunt.

§ iii.

Potentas [illegible] [illegible]
[illegible] [illegible]: Quia [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] homine: Quia [illegible]
[illegible] [illegible] [illegible] [illegible].

§ iiii.

[illegible] [illegible] v. adulto de omnib. [illegible]
[illegible] [illegible] executionis est: Quia
[illegible] [illegible] eligunt, quae [illegible]

ne coincidentes in eo, qui [illegible]
maximas [illegible] habet [illegible]
[illegible] : Hoc est, quod [illegible]
indistincte [illegible]. [illegible]
[illegible].

.§. ii.

Qui [illegible]
[illegible] tamen [illegible]
[illegible]. Quia
[illegible] eodem tempore [illegible]
[illegible] et [illegible]
[illegible] : Hoc est, quod [illegible]
[illegible]
[illegible]
[illegible]
[illegible] : Quia [illegible]
[illegible]
[illegible]
[illegible]

§. V.

Tra orat. Diana tutela, v. cum n. effectu a quarta [illegible] vocatione: Quia [illegible] [illegible] tot [illegible] [illegible] [illegible] [illegible]: Neg: [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ff. h.t. Quia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

VI.

[illegible] [illegible] [illegible] faciens [illegible] tutores [illegible] [illegible] [illegible]: Quia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] ff. h.t.; Quia illud [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

§. VII.

Adversa [illegible] [illegible] [illegible] [illegible] facultate

facultate adimere i [illegible] [illegible]
[illegible] [illegible]; Quia affectus n̄ e [illegible]
[illegible] [illegible] [illegible] qd [illegible] e [illegible]
[illegible] [illegible] [illegible] n̄ [illegible]: Quia
[illegible] [illegible] [illegible] [illegible] [illegible]

§. VIII.

Ingestus liberal. [illegible] i [illegible], et [illegible] etia
[illegible] [illegible] [illegible]; Quia tota [illegible]
[illegible] [illegible], et [illegible] et omni
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] . [illegible] n̄ [illegible], qd ignorar.
[illegible] i [illegible] n̄ [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]. Adhuc [illegible] [illegible]
Quia [illegible] [illegible] [illegible] [illegible] ibi [illegible]
[illegible], et [illegible].

§. IX:XI.

[illegible] [illegible], et [illegible] [illegible]
[illegible] i [illegible], [illegible]: Quia [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

§ X.

Ignotus ēēe fatri excellēt ī quo tueor ī certi-
dato; ē nō exceditur: quia licet sit exta-
tī ... posse tamē ēē notū, sicut
et similia. cccccc c

§ XII.

Controversia certus meminer casiloni ī Patre cō-
li: v. adulteri mota exiunt ī tā v.
cas: Quia maxima affic iniuria, si
licet controversia ... quo omni
... malitia ... cccc

§ XIII.

Qui anū ē egenus 70. ī tāa et ...
...: quia esse 70. anō naturali
... homini ... .

§ XIIII.

... non ... quia ē
Reipub. ... militer ī ...
... cccc

...

§. XV.

Prohiberi [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ma intra numerum
[illegible] [illegible] [illegible]. Quia ut
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ne nimis onerent.

§. XVI.

Placet [illegible] [illegible] [illegible] [illegible]
[illegible] alii imponere: Quia nemini
[illegible] [illegible] [illegible].

§. XVII.

[illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible]. Quia [illegible]
[illegible] [illegible] [illegible].

§. i.

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]. Quia
[illegible] [illegible] [illegible] [illegible] pluribus
[illegible] [illegible] [illegible].

§. 19.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Quia maritus si male administraverit tanquam suspectus, cum [illegible] removeri: quod inter coniuges esse non debet

§. 20.

Si quis falsis allegationibus excusationem tutelae meruerit, nihilominus est obligatus tutelae, quia dolus nemini debet patrocinari.

Tit. 26. de suspectis Tutoribus et Curatoribus.

Quae tit. [illegible] explicatur. Pine:

Suspecti tutoris crimen seu accusatio ex lege 12. tab. descendit. Quia sicut lex 12. tab. tutori dedit notate [illegible] per accusationem, ne in [illegible] [illegible] abutatur.

§. Primo.

Tutores suspectos removet Romae Praetor [illegible] [illegible] [illegible] [illegible]

.§. 3.

Suspecti possunt a re removeri, etiam mulieres vero pietate ducte : & ita ai curatio ista a pietate descendit et jure ... e ... c c c c c —

.§. 4.°

Impuberes non removent tutores suos inviti, possunt autem minores removere curatores et necessarios ... quia quae cum parentum consilio fiunt ... prosunt ... a ... utilia ... c c

.§. 2.

Tutores cuiuscumque ... sine ... [illegible] ... removeri ... et removeri ... quam maxime ... [illegible] ... indemnitate ... [illegible]

.§. 5.

Qui non et ... [illegible] ... [illegible]

fluendo potest, ut in rectis removeri [illegible]
[illegible] aliquando [illegible] incipit gra[illegible]
re: Quia magister tradit [illegible]
[illegible]
qua posset [illegible]
[illegible] praecise. —

§. 9.

Quinta ratio [illegible] fuerit, [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible] et [illegible]
[illegible]

§. 6.

Ducto [illegible]
[illegible]
[illegible] maxime [illegible]
[illegible] et [illegible]
[illegible] secundo [illegible]
[illegible]

[illegible]

§ 7.

[illegible] popularis [illegible] cognitionis finiatur [illegible] et administratio. Quia [illegible] periculum et [illegible] juvetur [illegible] ministerio. [illegible]

§ 8.

Tutor post [illegible] [illegible] [illegible] [illegible] [illegible] cognitio. Quia [illegible] ut [illegible] de eo [illegible] qui [illegible] [illegible]. [illegible]

§ 10.

Quidam [illegible] tutelae ministerio [illegible] [illegible] [illegible] [illegible] [illegible]. Quia

§ 11.

[illegible] [illegible] [illegible] [illegible] [illegible]. Quia

.5. Ultimo quaeritur

Qui fraudulenter tutelam gerit, tenetur in solvendo, vel obtenta satisdatione, ne [illegible] monitus . Quia [illegible] potit [illegible]

Finis Primi Libri [illegible]

Patauij Die vii. Xbris . 1663.

[illegible]

liber secund.

[illegible]

D: P[illegible] 5. [illegible]

[illegible]

[illegible]

l. liberae Populi Romani [illegible]

[illegible] ut hi, ad quos Iurisdictione

.S. 2, e 3.

Plurima v[ero] [illegible] sunt, quae [illegible]

patet, tamē ex his occupando nihil [illegible]

[illegible] fit: ex

Quia [illegible] occupantis tantum occupat in his

quae sunt nullius in bonis, non etiam

in illis quae sunt alicuius [illegible]

[illegible]

[illegible]

§4.

[illegible]

§5.

[illegible]

... eo Pub. ...
... est ...
... . S. 6.

Comunia Ciuitatis ut Teatra, stadia ...
... sunt, quia Res Uni-
uersitatis sunt dominio Ciuitatis, et Uni-
uersitatis ...
uniuersitate ... Ciuitate ...
ideo n obst. qd res Uniuersitatis nullius ...
...
... prius ...
... sunt ...
in dominio singulorum n sunt, sed in
dominio ... . S. 7. ...

... iure ...
... diuini iuris ...
... extra commercium ...
ideo n obst. qd ...
...
...
...
...
... sed

[illegible] ... ane, tam [illegible]
[illegible] tute [illegible]
[illegible] ne [illegible]

.S. Q.

[illegible] et, [illegible]
Qua [illegible]
[illegible] a [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

.T. Q.

[illegible]
[illegible] Qua [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

§. X.

[illegible] ... mun[illegible] ...

[illegible] ... ideo [illegible] ...

[illegible] ... et ... [illegible]

§. 11.

[illegible]

§. 12.

[illegible] ... in [illegible] ...

[illegible] ... item [illegible] ...

[illegible]

§. 13.

[illegible]

§. 17.

Agium [illegible]

[illegible] Quia [illegible]

[illegible]

§. 18

[illegible]

[illegible] nostrae [illegible]

qui ad Animam: Nec tibi ad [illegible]

[illegible] animum, quia [illegible]

2.2. [illegible] Aquila: quia [illegible]

[illegible] tribuit feris et homi[illegible]

[illegible]

§. 1.

[illegible] ut gallina [illegible]

[illegible] esse intelligunt, et [illegible]

[illegible] lucrand[illegible] [illegible]

[illegible]: Quia [illegible]

[illegible]

[illegible] de [illegible]

[illegible] quia [illegible] ablatu[illegible]

[illegible]

Secundus Modus

[illegible]

§. 12.

[illegible]

[illegible]: quia [illegible]

[illegible]

[illegible] ad [illegible] qui ab [illegible]
[illegible] 20. s.º 1.º de
[illegible] : Quia hic intell. [illegible]
[illegible] [illegible] rer
[illegible]
[illegible] [illegible]
[illegible] — s.º 18.

[illegible] in [illegible]
[illegible] sunt : Quia [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] quia [illegible]
[illegible]
[illegible]
[illegible]
Quare [illegible]
[illegible]

ime cuius e pater: Quia terra [illegible]
pacing e [illegible] pars [illegible] et [illegible]
[illegible]
[illegible]
[illegible] Quia [illegible]
de [illegible] et quo ad dormitare
Quartus modus [illegible]

S.° 20.

Quod [illegible]
[illegible] in [illegible]
[illegible] Quia [illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible] requirendo [illegible]
[illegible] Quia [illegible]
[illegible]

[illegible] S.° 21.

[illegible]
[illegible]

[illegible], sicut utroque in eo [illegible] [illegible]; Quia [illegible] fuere [illegible] [illegible] [illegible] haud [illegible] cum ei [illegible] [illegible] et negligentia [illegible] im[illegible] putandu est; [illegible] quod nemo [illegible] suo iure: quia [illegible] dum non est in culpa, ut hic. [illegible]

§. 22.

Insula in flumine nata in medio [illegible] est ab utraque parte [illegible] si [illegible] [illegible] qui prope eam [illegible] [illegible], quia talis insula [illegible] [illegible] si utrique [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] insula [illegible] in flumine [illegible] [illegible]; quia [illegible] in insula [illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

N.° 23.

Aleon rabis [illegible] flamen [illegible]

[illegible] quæ [illegible] nec [illegible] Rinc [illegible]

[illegible] nos [illegible]

[illegible] flamine [illegible]

[illegible]

[illegible] 5.° [illegible]

[illegible]

N.° 24.

[illegible]

[illegible] suor eius matt [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ad [illegible] id
[illegible] et [illegible]
amici [illegible] esse [illegible] millo [illegible]
[illegible] cum [illegible]
[illegible] amorem [illegible]
[illegible]

[illegible] modus precipitatione.

[illegible] ex mat. [illegible] partic.
[illegible] materia
[illegible] dominus est, qui materie domin[illegible]
[illegible] dominique, [illegible]
qui mat. [illegible] ad remadet form.
[illegible] videt [illegible] varieta [illegible]
[illegible] forma [illegible]
[illegible] Hec ob.
[illegible]
[illegible]
[illegible] quia [illegible]
[illegible]
[illegible]

§ 21.

Ex diversis maneriis [illegible] sine causa, sine
[illegible] voluntate facta [illegible] omnes [illegible]
[illegible] [illegible] [illegible]
[illegible] communis [illegible]
[illegible] ad [illegible]
[illegible] voluntate dominat. [illegible]
et [illegible] videt, specif[illegible]
[illegible]
[illegible] [illegible] cum [illegible]
[illegible] [illegible] tantu[m] [illegible]
[illegible] [illegible]
[illegible] facta causa [illegible]
[illegible]

§ 22.

[illegible] causa [illegible]
in causa [illegible] manet [illegible]
singula [illegible] naturali[illegible]
[illegible]
[illegible]
[illegible] [illegible] et [illegible]

[illegible] in eum [illegible]
[illegible] quantitati[illegible]
et [illegible] qualitati[illegible]
[illegible] determin[illegible] [illegible]
[illegible]: Hec [illegible]
[illegible] sunt [illegible]
[illegible] et [illegible]
[illegible]: [illegible]
[illegible]
[illegible].

[illegible]

Conjectur[illegible]

Quaternio [illegible] 5. 2 6.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

§. 29.

In solo alieno et mea [illegible] aliena, edificans [illegible] [illegible]: [illegible] ed[ificat]. [illegible] [illegible] [illegible]: [illegible] [illegible] [illegible] [illegible] l. [illegible] [illegible] quia [illegible] [illegible] in edificio [illegible] [illegible] [illegible] eum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ne [illegible] tignum [illegible] alieni edi[ficio] [illegible] [illegible] habet [illegible] [illegible] [illegible]: quia l. [illegible] cavet ne quis tignum alienum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad[versus] eum qui [illegible] alienam [illegible] edib[us] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] l. 23. §

[illegible] qui vindicat [illegible]

[illegible]

§. 30.

[illegible] ex qua [illegible]

[illegible] in [illegible]

§ 31.

[illegible]

... quia speale e ...

§. 32.

... sunt ad que ... ... quia ...

... ... Hic ...

... ... quemadmodum ...

...

§. 33.

... ... Accesso...

... ... Servatura ...

...

§. 34.

... ...

[illegible]

§ 35.

[illegible]

[illegible] fructus [illegible]
[illegible]
[illegible]

Bera [illegible]
[illegible]
[illegible] emit [illegible]
tenere tenet. quia [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] tenet [illegible]

§. 20.

[illegible]

fructum diminui : [illegible] incl
[illegible] fructum [illegible] [illegible] deciperdi
[illegible]

§. 37.

Partus Ancillae, in [illegible] non [illegible] fructu [illegible]
esse [illegible] existimat, at Ancillae [illegible] non
parant, ut pariant, sed ut seruiant: Hac
ob: ad Partum in fructu esse [illegible]
[illegible] soluendo fructu [illegible]
[illegible] Partus [illegible]
[illegible] quam [illegible] Partus
in [illegible]
qua [illegible]

§. 38.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

quia ... [illegible] ... tamen
[illegible] ..., seu si
[illegible] ...

Horum Modus dividendi
thesauri ... [illegible]
inventionem. §. 39.

[illegible] in loco suo v. alieno aut [illegible]
[illegible] inventus ... [illegible]
in loco privato [illegible]
[illegible] loci
domini: quia fortuna donum nemini
e auferri ... [illegible]
[illegible] in loco [illegible]
[illegible]
[illegible] videre, [illegible]
[illegible]
[illegible] in loco alieno privato [illegible]
[illegible]
[illegible] thesaurus inventi
in locis

vi ... sacris et Religio... [illegible]
... e et ... alia ... [illegible]
q. n. ... ... quia ... [illegible]
secundo ... ... hi secundum
... [illegible]

Decimus tractatus sequens de
de traditione. 5. 40. 41. 42

Traditio Dominii ... cum ... [illegible]
... ... eam in aliquem ...
... Dominio ... ... [illegible]
alio qui habet ... [illegible]
... : Quia nihil ... [illegible]
... ... [illegible]
... ... in alium
et ... eam ... [illegible]
... ... ad ... [illegible]
... ... et tamen
hac ... Dominium ... transfert
quia traditio Dominium transfert ...
... [illegible]

ad, et prime transferendi dominii
[illegible]
P. quasi traditione. §. 44.

Si quid ex [illegible] rem, quae, [illegible] aliquid [illegible] eam est, [illegible] similiter modo transferri [illegible] traditione intelligitur, et dominium [illegible] quam nova traditio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Ideo non ob. [illegible] [illegible] et dominium: quia hic [illegible] [illegible] [illegible] [illegible] [illegible] dominium.

§. 45.

Si quis tradat claves [illegible] rem vendita [illegible] dominium [illegible] claves [illegible] [illegible] [illegible] [illegible] potestate accipientis: Ideo non ob. [illegible]

rettone? sine facto nro ad dubitare
ieci [illegible]: Quia tradit. [illegible]
[illegible] tradi [illegible]

§. 47.

Si quis [illegible] iacet [illegible] habet
[illegible] licito, et [illegible] ad [illegible]
cui [illegible] comparare [illegible], Quia [illegible]
dominia in incerto esse [illegible] ad [illegible]
[illegible] velle [illegible] videri
[illegible]. Dicendum [illegible] qui in-
venit [illegible]
[illegible]: Quia [illegible] suis
[illegible] domine [illegible]

§. 48.

Res quae inter [illegible] levande [illegible] eiiciun-
[illegible] certe [illegible] domi-
[illegible]: Quia [illegible]
[illegible]
[illegible]
[illegible]. Quia tamen [illegible]
[illegible]

riculi ... quae ... et ... animo ... simul ... Dominus rei. ...

Tit: secundus de reb:
Corporalib:, et incorporalib:

Exempla acquisit: ex iure gen: seq. acquisitio ex iure civ: qua acquiruntur etiam res incorporales. ...

Res incorporales sunt, quae sui natura tangi non possunt ut servitutes, hereditas, obligationes. Quia res incorporales tantum animo teneri possunt ac in solo iuris intellectu consistunt sunt n. facultates aliquid faciendi: Hoc d. in hereditas nomen facultas ... l. 4. ff. de petit: hereditatis ... res incorporales possideri non possunt quia possideri intelligitur, quae in hereditate, et universitate continetur, ...

De servit: ...

Praeter ... in ...

num sala fuerunt ... seq: Deo de
his seq. servitus inter ... duplex re.
alia qua Praedium Praedii ... de qua
h. c. generalis qua res, ... servi
... inf. ... seq: &c

Divid. tit. in ... partes. In 1. Tradit. divisio ser-
vitutis praedialis; In 2a acquisitio.

1ma tit. Pars.

Divid. praedialis servitus duplex, aut Rustica quae
de ... Praedii Rustici, aut Urbana quae
debet. Praedio Urbano. Rustica iterum
quadruplex 1o Iter, 2o Actus, 3o Via,
4o Aquaeductus. &c

Iter est jus eundi, et ambulandi hominis non etiam
jumentum, ... agendi; Unde
iter ... illud tantum ...
... quod ... ad recess...
hominem ... : Nec ob. quod iter
... quod ... eundi
... 4o ... agendi.

omnia requirit. hic in concreto quatenus est in utroque.

Actus et via — agendi fundamentum vel columnie fundam[illegible] [illegible]: quia actus natura prima est ad agendum, et [illegible] [illegible] et regulariter [illegible] analia et [illegible] [illegible]. Dices n[illegible] quod nulla differentia erat inter actum et viam inspecta hac differentia: quia actus potest esse sine iure agendi [illegible] nisi iure id natura sua, et necessario [illegible] [illegible].

Qui actum — habet iter quoque habet etiam, ut potentia [illegible]; quia [illegible] [illegible] quod [illegible] id quod [illegible] [illegible], et [illegible] duo continent [illegible] sunt cum gravamine [illegible] multo magis licent singula ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] esse potest trad. l. 4. § 1. ff.

[illegible]

ri perviitsuerdret. g° qui actum habet
n' i ... iter habet: Quia qui actum
habet iter habere v[idetur]. et ... contra con
trahentium voluntate n' ... eundi et agendi et ambulandi homi-
nis: Quia via iter et actum ...
eundi et agendi facultatem ...
in se, et natura sua continet: ideo n'
ob: q[uo]d ius eundi ambulandi actum com
petit. g° vitiosa e' vie ... cum ali
competit: Quia via iter et actum
continet in se ex natura sua. Actus
autem continet iter sent[entia] contraha-
entium ut ... etiam iter
... eius ... sequat[ur].

S. 2.

...ro adderet aque aut ... ad aquam ...
... ... fodiendi: Quia
ad utilitatem ... constituunt. et ...
... ... ob. q[uo]d ...
... ...

q° male servitutes p[re]d[i]or[um] appellant hu
ut l. mela 3° u[l]t[im]° §. de alimentis le
gatis: ubi hec sunt verba: nam et m
uis aquae et c. est servitus p[re]dij, q
ei, qui vicinus n[on] est inutilis relinq[uitur]
quia locus ille legendus est, nam et si quarum
aut et c. est servitus personae t[ame]n eius
qui vicinus n[on] e' inutilis relinq[uitur]

§. Primo.

V. dare servitutes sunt oneris ferendi,
[illegible]
4° [illegible] officiendi
luminib. quia hae servitutes edifi
[illegible] edificia
[illegible]
[illegible] sive in
villa aedificata [illegible]
n[on] ex loco, sed [illegible]
quent. et fine: [illegible]
[illegible]

nent aedificata inter Idea iustitia computant. l. 4. §. 1. ff. in quib. cis Tignus et c. Quia Tabula in ea lege habitandi causa sunt extructa, sed ut usui inserviant et firment veluti Armenta, et Tabulae recipiend.

2.a Dit. Part. §. 3.

Circa comunia harum servitutum.

Servitutes [illegible] ire [illegible] constitui non comune [illegible], qd Debeat, alter cui debeantur debeat. Quia [illegible] subiecta servitutis [illegible] servitutes [illegible] qualitas, [illegible] ad utilitatem [illegible] conspicitur. Neq. obi[illegible] qd [illegible] futuro aedificio [illegible] acquiri posset, [illegible] acquiri poterit l. [illegible] Quia ibi [illegible] intelligi debet [illegible] de servitute constituenda.

§. 4.

[illegible] servitutum [illegible] [illegible]

riali. et testamentis: [illegible] sex sol-
lis modo regulariter requirunt.
Item ibi qd pacti nudi ver. domi-
nii transferunt. l. xx. C. de pactis
[illegible] Doctoribus non acquirunt [illegible]
Contra [illegible] in [illegible] qui habent [illegible]
pacti [illegible] [illegible] [illegible]
[illegible].

[illegible] illud [illegible] sed

quia [illegible] intendit subjectiva

[illegible] explicat. [illegible]

Aliud [illegible] dubitari [illegible]

[illegible]

[illegible] Pet. [illegible]

§. 2.

Contrà [illegible]

[illegible] et pal=

[illegible] quia [illegible] moderatorem rei

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Quia

Tertia Dis. [illegible]

Conti[illegible] [illegible]

[illegible]

et [illegible]

menti et [illegible]

[illegible]

in [illegible]

[illegible]

[illegible] neque [illegible]

neque [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Deinde [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] .f.C. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] et finito usufructu tantum [illegible]
quantum accepit. vel qualitate. vel exti
[illegible] Quia [illegible] ut libera
sit facultas usufructus inducendi: [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] qui male ita
[illegible] [illegible] [illegible]
et inter usumfructum et mutuum
diff. [illegible] [illegible] [illegible]
et mutuum diff. [illegible] qui mutuum [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
mortuo autem [illegible] diminuto.

Quare [illegible] §. 3.

[illegible] [illegible] [illegible] [illegible] i. [illegible]

[illegible]

eius mi [illegible], e [illegible]: 0 in
[illegible] pro ad [illegible] et
in qui [illegible] in a more
[illegible] [illegible]
[illegible]
[illegible] g. mote
[illegible] n. fruit. [illegible]
[illegible] [illegible]
[illegible]. e c c
[illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible] quae [illegible]
[illegible]
[illegible] quidem [illegible]
[illegible]
[illegible]
[illegible]

Quia tale Ligatur in luce [illegible]
[illegible] et [illegible]
[illegible] geunt. ca[illegible]

§. 4.

Spirit[illegible] [illegible]
[illegible] utat[illegible] consuetudinariis, ut si in
[illegible]
[illegible] et tem[illegible] : Quia [illegible]
[illegible] actu [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Quia n[illegible] [illegible]
[illegible] actu
[illegible]

[illegible]

[illegible] . Tit: Quintus. [illegible]

De Usu, et Habitat.

Prior rec̃ servitutis [illegible] videlicet usufructu, [illegible] usum et habitatio[illegible]

Divid. tit. in 2 partes; In 1a [illegible] [illegible] et [illegible] In 2a in [illegible] habitatio [illegible]

1a Tit. Pars. [illegible]

Concl. [illegible] usufructu [illegible] [illegible] quia [illegible] constituit ultra dispositio[illegible] et [illegible] [illegible] [illegible] [illegible] usufructu [illegible] [illegible] l. 5. § 4. [illegible] [illegible] quia [illegible]

... § Primo.

differt 1°, q' usufructuar. ... utilitatem, et fructus omnes et redditus ... usuarius tantum ... natemus ... 2° usufructuarius potest ... vendere, fruendi aliis ... locare, donare ... quia fructus ... utilitatem ... stricta ... necessaria ... et ... et notius ... ob, q' ... licet usuario uti lignis ad ... et etiam vendere ligna ... quia ... est in usu silue: quia nisi ... silua cedere, et vendere usus inutilis ... esset.

§ 2.

3° usufructuarius ... habitare, sed etiam quem libet ... et alteri locare, ... tantum cum ... recipere potest ... ad ali...

... poenit: quia stinet ... et ... ; ...
... ad ... : ...
... non habet alii medium ... :
quia ... ,
... sua gratia. § 3.

4°. Servi, et jumenti non habent ...
... cum familia sua ...
... ex se ... et ...
... non ... .
... quae ... ,
... etiam ... ...
... aut ... :
... et ...
... autem ... ...
et organum.

Habitatio differt ab usu ... habitationem ...
... ...
... item.

quia non videtur q[uod] sit magis cedita cum
omnes dixerit habitati in fodiu, in tali[bus]
[illegible] q[uo]d habitari et feudu[m] — [illegible] ios. q[uo]d ea
q[uo]d [illegible] : quia habitari intelligitur non
feudalis que iure domini aliqua iure feudi
inhabitandi vel [illegible] fidei sed habitatio in
ex pura locatione [illegible]

[illegible] Carinal. Titi.

[illegible] de modis acquirendi dominii ex iure [illegible]
et [illegible] singulari veluti
usu capione [illegible] acquiritur
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]

Prime.

Vmeanii origine [illegible]
[illegible]
[illegible]
[illegible]

in imag. [illegible] [illegible] [illegible] [illegible]
[illegible] Publii. secundum [illegible]

Requirit[illegible] a parte emen[illegible] ut res mobilis [illegible]
[illegible] in [illegible] [illegible] [illegible]
[illegible] a [illegible]
[illegible] [illegible], mobilis [illegible] [illegible]
quia [illegible] magis [illegible] ut non [illegible] [illegible] [illegible]
[illegible] [illegible] animam [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quia [illegible]
[illegible] Iustinianus de [illegible] [illegible]
[illegible] vel [illegible].

2a. [illegible] par.

Requirit[illegible] a parte [illegible] bona [illegible] et
[illegible] ut qui [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
ad transferend[illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] , [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] , [illegible] aliena [illegible] [illegible] l. [illegible] § [illegible]

[illegible] 4. [illegible] [illegible] [illegible] : quia [illegible]

[illegible] [illegible] iure [illegible] [illegible] , [illegible]

[illegible] , [illegible] aliena [illegible] : Quia . . . [illegible]

[illegible] .

§

[illegible] : [illegible] [illegible] [illegible] [illegible] [illegible] nihil

[illegible] ad [illegible] , [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] , quo [illegible] emit

[illegible] [illegible] : quia [illegible] [illegible] [illegible] [illegible]

. . . . . nemini [illegible] : [illegible] [illegible] [illegible]

[illegible] , [illegible] [illegible] [illegible] l. ii [illegible]

[illegible] : quia [illegible] , [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] .

§ 1. § 10.

[illegible] [illegible]

[illegible] [illegible] [illegible] , ut [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] . [illegible] huiusmodi

[illegible] [illegible] [illegible] commercium hominum . [illegible]

[illegible] [illegible] ad monumentum [illegible] [illegible] [illegible]

[illegible] l. 6. § [illegible] C. [illegible] [illegible]

ibi [illegible]
[illegible]

§. 2.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible] violentia [illegible]
[illegible]
[illegible]
[illegible]

§. 3. 4. 5. 6.

[illegible]
[illegible] potentiae [illegible]
[illegible] et violentia [illegible]
[illegible]
[illegible]
[illegible]

§. 7.

[illegible]
[illegible]
[illegible]
[illegible]

quia ... in libellis ...

§. 8.

Res tamen ... ut ... ... mi ... ... possunt: quia ... ...

... ... quod res ... in po... ... ... non potest: quia ... ...

Res ... ... quia res ... ...

§.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Quan [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

falet [illegible]

[illegible]

Sua [illegible]

[illegible] ecclesie [illegible]
[illegible]
[illegible]
[illegible]
[illegible] & medicis. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible], et [illegible], [illegible]
[illegible] convaluerit, [illegible] [illegible]
[illegible] [illegible]. [illegible]
2a [illegible]
[illegible] inter [illegible], [illegible]
[illegible]
[illegible]
[illegible]
[illegible] 66, [illegible]
[illegible]
[illegible] quia [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] tra
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] requisitio [illegible]

[illegible]

Tit. 8. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1.º [illegible]

[illegible]

[illegible] nihil [illegible]

[illegible]

[illegible] parte [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Tit. [illegible]

[illegible] 4.º

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible] maximi [illegible]
[illegible] quilibet [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

Quia testam: e actus principalis et so-
lemnis in quo substinarii hauri[illegible]
[illegible] mulier [illegible]

[illegible] habet [illegible]

[illegible]

.570.

[illegible]

[illegible]

[illegible] in consequentia [illegible]

[illegible]

[illegible] necesse est attendendum quia

[illegible] benignitate ad [illegible]

[illegible]

5°

[illegible] fieri [illegible]

[illegible]

[illegible] alieno [illegible] habilem [illegible]

[illegible] eiusdem familiae [illegible]

[illegible]

[illegible] in alieno [illegible]

[illegible] 5°. 9°.

[illegible]

[illegible]

[illegible] sive de [illegible] aut quasi

[illegible]

[illegible] quod in testamento [illegible]

[illegible] testimonium [illegible]

videlicet

v. in carta, v. in membranis, v. in tabulis, quia hunc ultime pluralitē ... ut ... ... unitē et ... ...

S.º 13.

Quod cunq; codicib. v. exemp... ... ...
... ...
... ...
... ...
... ex consularib, ut uno forte ...
... ...
... ...
... : quia hic ... ...
... ...

S.º 14.

... ...
... ... con... ...
... ...

dech...

De militari Testamento

Tit: ii

[illegible]

S.

[illegible]

[illegible]

vitiorum ab initio tractu temporis non [illegible]
reconvalescere; quia hoc testam: non tunc pe[illegible]

[illegible]

emancipatus; quia tam: [illegible]
ma, quae est privata initio [illegible] non poterit

[illegible]

Quid. nec e contra facere Testamentum

Tit. 12

[illegible]

[illegible]

[illegible]

[illegible] et eā [illegible]

[illegible] ex eā [illegible]

[illegible] eā [illegible]

[illegible]

[illegible]

S. Petri.

[illegible] pomunt, nec aut[illegible]
[illegible]
[illegible] est [illegible]
[illegible] mare
[illegible]
[illegible]
[illegible] authore:
[illegible]
[illegible] 5.° 2.° [illegible]

[illegible]
tertiam: [illegible] quia [illegible]
[illegible]
[illegible]
[illegible] intendi [illegible]
[illegible]
[illegible]
3.° [illegible] 5.
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

1.5.040.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ex ante quo capere. [illegible]

[illegible]

Ex haec. at. [illegible]

[illegible]

[illegible] S. S. [illegible]

[illegible]

[illegible]

De Hered[illegible]

Tit. 14.

[illegible]

[illegible] S. [illegible]

[illegible] S. [illegible]

[illegible]

§. 3.

[illegible]

§. 4.

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Desuit ex [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 13 [illegible]
[illegible]
[illegible]
[illegible]

[illegible]

.§.7.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

See [illegible]

[illegible]

[illegible] 23. in Avanc[illegible]

[illegible]

[illegible]

[illegible]

[illegible] §. 10.

[illegible]

[illegible]

[illegible]

§. 11.

[illegible]

[illegible]

De Vulgari Substitutione

Tit: 15.

[illegible]

[illegible]
[illegible]
[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

5. [illegible]

[illegible]

[illegible]

[illegible]

De Pupillari Substitutione.

Tit: 16.

[illegible]

[illegible]
[illegible] ela [illegible]
[illegible]
[illegible] ar[illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

§. 3. [illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

§. 6.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

Qu[illegible] [illegible] 17.

[illegible]

[illegible]

[illegible]

[illegible]

§. [illegible]

[illegible] et [illegible]

[illegible]

§. [illegible]

[illegible] ita [illegible]

[illegible]

[illegible]

3. 5.

[illegible]

[illegible]
[illegible] [illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] valet [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]
[illegible] S. [illegible]
[illegible]
[illegible] qua [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
D [illegible]
[illegible]

[illegible]
[illegible] omnius beatit[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] quia [illegible]
[illegible] Patris ne noceat ei, [illegible] Pater [illegible].

§ 2.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible] fuiger necemarii [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible] : qua [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] . 6 . 2 .
[illegible]
[illegible]
[illegible]

[illegible] intell[illegible]
[illegible] hunc [illegible]
[illegible]
[illegible]
[illegible]
[illegible] tunc recens [illegible]
[illegible] in C[illegible]

[illegible] S. 3.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] descendunt

[illegible] et [illegible] in medicina

[illegible]

[illegible]

[illegible]

[illegible] alicunde [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

et [illegible]

[illegible]

[illegible]

[illegible]

[illegible] nempe leg. et fidei [illegible]

[illegible]

[illegible]

[illegible] in meis [illegible]

[illegible]

[illegible] femina inter[illegible]

[illegible]

[illegible] habeat [illegible]

[illegible]

[illegible] omnia exequ[illegible]

[illegible] intelli[illegible]

[illegible]

§. 4.

§. 5.

[illegible]

A.D.O.M.

[illegible] quia [illegible]

[illegible]

§. 7.

[illegible] quia [illegible]

[illegible]

§. 8.

[illegible]

[illegible] aut [illegible]

[illegible] 57. 8. [illegible] quia [illegible]

§. 9.

[illegible]

Te re de [illegible] ad [illegible]
[illegible] inveniri, ut quo erant [illegible]
[illegible] apud [illegible]
nostro [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quia duae [illegible]
[illegible] convenire in eandem rem et
[illegible] non [illegible]. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] debeat: quia [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

§ 10

[illegible] [illegible] legatum non valet [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]: quia [illegible] domi-
[illegible] non potest [illegible] acquirere aut do-
minium aut [illegible] [illegible] [illegible]
non valet nisi aliquid [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible] valet [illegible]

[illegible]

§. 11.

[illegible]

Quia [illegible]

[illegible] valet quando [illegible]

[illegible]

§. 12.

[illegible]

§. 13.

S.° [illegible]

[illegible]

S.° [illegible]

[illegible]

[illegible]

Der [illegible]

[illegible]

§. [illegible]

[illegible]

§. 23.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

§ [illegible]

[illegible]

§ [illegible]

[illegible]

§ [illegible]

[illegible]

[illegible]

Tertia [illegible]

[illegible] 24

[illegible]

§. [illegible]

[illegible]

§. [illegible]

[illegible]

[illegible]

[illegible] Ter[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] quid [illegible]

[illegible]

Tit. [illegible]

Lege [illegible]

[illegible] faciant. [illegible]

[illegible]

[illegible] nulli [illegible]

[illegible] illa [illegible]

[illegible]

Tit. [illegible]

[illegible]

[illegible] et [illegible] [illegible] [illegible] qui [illegible]
[illegible] [illegible] [illegible] : quia [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ut nihil [illegible]
[illegible] [illegible] [illegible] [illegible] 4. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] eunde [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible].

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] quas [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] quia [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] addixit [illegible] quia
[illegible]
[illegible] accipere [illegible]
[illegible]
[illegible]
[illegible] ex [illegible]
[illegible] inventa [illegible]
[illegible] et [illegible]
[illegible]
[illegible] ea [illegible] adeat [illegible]
[illegible] in [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

§. 2.

[illegible]

[illegible]
[illegible]
[illegible] qui [illegible]
[illegible]

§. 1. [illegible]

[illegible]

§. 11.

[illegible] Valeri [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] nerema [illegible]
[illegible] lebre [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

Tit: 24.

[illegible]

[illegible]

[illegible]

D. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

LIBER TERTIUS.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] habet et para [illegible]

[illegible]

Condiciones tenet. [illegible]

[illegible]

[illegible] 4. [illegible]

[illegible]

[illegible]

[illegible]

15. [illegible]

[illegible]

[illegible]

5.

[illegible]

[illegible]

ita ayt. in eadem [illegible]

[illegible]

[illegible] solvenre meam liberat.

[illegible]

[illegible] una et eadem res, quae in oblig[illegible]

[illegible]

[illegible] obligari [illegible]

[illegible]

[illegible]

De inutili [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

§ [illegible]

[illegible]

§. 10. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

§. 9. 23.

[illegible]

[illegible]

§. 25.

[illegible] lacre aux femmes [illegible]

[illegible] et convenue, et [illegible]

[illegible]

§. 26.

[illegible]

De [illegible] Tit. 20.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] quia [illegible]

[illegible]

[illegible] quia [illegible]

[illegible]

[illegible]

[illegible]

Re[illegible] 5° [illegible]

[illegible]

De [illegible]

Ti[illegible] 2

[illegible]

[illegible]

[illegible]

Prima Tit. Pan.

[illegible]

Secunda Tit. Pan. 5° Prima

[illegible]

[illegible] abernú bicl. [illegible]
Bene tu stay [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

S. [illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible] en [illegible]
[illegible]
[illegible]
[illegible] am [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

S. [illegible]

[illegible]
[illegible]

[illegible]

qui mihi [illegible] et [illegible]

materiam [illegible]

[illegible] L. 22. [illegible]

[illegible]

[illegible]

Tertia [illegible]

[illegible] et [illegible]

qua [illegible]

[illegible]

§. [illegible]

[illegible] quia [illegible]

De [illegible] Tit. 25.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 5.º 2.º

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 5.° 6.°

[illegible]

Quarta Tit. [illegible] 5.°

[illegible]

[illegible]

De Mar[illegible] Titul. 26.

[illegible]

[illegible] 6. 23. [illegible]

C[illegible] [illegible]

[illegible]
[illegible] manden [illegible]
[illegible] recevoir [illegible]
[illegible] [illegible] s. m. [illegible]
[illegible]
[illegible] mandar [illegible]
[illegible] todam [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] haver
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] tropia e [illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]. 5

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Terza [illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] quia mand[illegible]
e integra [illegible]
Sancti, quez morte [illegible] dec. 5. [illegible]
[illegible] ultra mortem [illegible]
5. [illegible] mand[illegible] : quia [illegible]
[illegible] pro morte in [illegible]
notem. §. 9.
[illegible] manditaria [illegible]
[illegible] narratum : quia quemad[illegible]
[illegible] e integra [illegible]
[illegible] dec [illegible]
[illegible]
[illegible] fuus [illegible]
[illegible] quia mand[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

De O[illegible] [illegible]
ex [illegible] 27.

[illegible]

[illegible]

[illegible] ... prima Tit. Pau. c. [illegible]

Ex [illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... alterum [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]

Secunda Tit. ad Pau.

Ex [illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]

[illegible]
[illegible]

[illegible] 5.3.

[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible] [illegible] 5.

[illegible]
[illegible]
[illegible]

[illegible] 5. [illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible] Tituli [illegible]

[illegible] et [illegible]

Summa Tituli [illegible]

[illegible] et [illegible]

[illegible] Tituli [illegible]

[illegible] et [illegible]

§. [illegible]

[illegible] et ex [illegible]

[illegible] dicta [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

5° [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Laus Deo Semper.

Anno Domini 1664.

[illegible]

Sacratissime Trinit[illegible].

Liber Quin[illegible].

Ano Dom[illegible]

[illegible]

[illegible]

Titulus Primus.

De Obligationibus quae ex Delicto nascuntur

Liber Quartus.

[illegible] 10 · martii · 1664.

[illegible]

[illegible]

[illegible]

[illegible] ei n etiam [illegible]

[illegible]

§. 3. e 4.

Tertium [illegible] Dicitur [illegible]

[illegible]

manifestum [illegible]

[illegible]

et manifestum cum [illegible]

[illegible] quo [illegible]

§. 5.

[illegible] quadratû [illegible]

[illegible] §. 6. 7. 8. 9. [illegible]

Secunda Tituli Pars.

Quoquomodo rem alienam effectu [illegible]

[illegible] domino [illegible]

§. 1. e [illegible]

[illegible]

[illegible]

[illegible]

[illegible] §. 11.

Tertia Tituli Pars.

[illegible]

[illegible] et [illegible]

[illegible] qui [illegible]

[illegible]

[illegible] et qui [illegible].

§. [illegible]

[illegible] in [illegible]

[illegible]

[illegible]

[illegible] rem aliquam curaverat. §. 13.

[illegible]

[illegible] salvam esse, [illegible]

[illegible]

§. 15.

[illegible]

[illegible] §. 16.

[illegible]

[illegible] esse, [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] §. [illegible]

[illegible]

[illegible]
[illegible] Tuum [illegible]
habeat [illegible]
[illegible]
[illegible] · Titulus [illegible]
De iis Bonis [illegible]
[illegible]
[illegible]
[illegible] nam
[illegible] alienam [illegible] mala [illegible]
[illegible] et [illegible] contrarium [illegible]
[illegible] etiam [illegible]
[illegible]
[illegible]
[illegible]
[illegible] mala [illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible] bona [illegible]
[illegible]
[illegible]
[illegible]

De Lege Aquilia.

[illegible]

[illegible] §. 2.

[illegible]

[illegible] §. 3.

[illegible] quadrupedem [illegible]

[illegible]

[illegible] §. 4.

[illegible]

[illegible] §. 5.

[illegible]

[illegible] venerit [illegible]
medicamentum adhibuerit [illegible]
[illegible] Aquiliae [illegible]. §.
Nullo enim [illegible] vel [illegible]
§° [illegible] alienis [illegible]
[illegible]
[illegible] Aquilia [illegible] §.
[illegible] eius [illegible]
[illegible]
[illegible]
[illegible] vel [illegible]
[illegible]
[illegible] §°
Damnum [illegible]
[illegible]
[illegible] Aquilia [illegible] si uem [illegible]
[illegible]
[illegible] damnum [illegible]
[illegible]. §. ultimo.

Titulus [illegible]

De [illegible]

[illegible]

§. 2.

[illegible]

[illegible]
Item in [illegible]
[illegible]
[illegible] 5. 6. 0
It. [illegible] libero [illegible]
[illegible]
[illegible] 5
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] uderanda [illegible]
[illegible]
[illegible]
[illegible] 5. 6. 0 [illegible]
[illegible] 6. 9.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 5. 0.

[illegible]

De O[illegible] que
Quasi ex Delicto [illegible]

[illegible]

familiar[illegible] [illegible] in Pet[illegible]
sed in [illegible] Datur [illegible]
[illegible] Titulo [illegible]
[illegible] tabulari[illegible]
[illegible] delicto [illegible]

Titulus .6.
De Actionibus.

[illegible]

[illegible]

[illegible] Prima Titu[illegible]

[illegible]

[illegible]

[illegible]

[illegible] in

[illegible] §. [illegible] §. 3 [illegible]

& alia [illegible]

[illegible] alia

[illegible]

Aranda [illegible] § 2. [illegible]

[illegible]

[illegible]

[illegible]

ex ipsa [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ex [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] in

[illegible]

[illegible]

[illegible] §. 12.

[illegible]

[illegible]

[illegible]

[illegible] per [illegible]

[illegible] § 13.

[illegible]

[illegible]

[illegible] §. 24.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
habent [illegible] et [illegible]
[illegible] 5° 20.
[illegible]
[illegible] S
[illegible]
[illegible]
[illegible]
5 [illegible]
[illegible] mira [illegible]
[illegible]
[illegible]
[illegible]
[illegible] 5[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible] à Deo [illegible]

[illegible]

[illegible] 5.° [illegible]

[illegible]

[illegible]

[illegible] 3.° [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Dami [illegible] ex [illegible]

[illegible]

[illegible] 5.° 2.° [illegible]

[illegible] et lege [illegible]

[illegible]

[illegible] 8.° 2.° [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ac [illegible]

quæ [illegible]

[illegible] §. [illegible]

[illegible]

[illegible] in infinitum [illegible]

[illegible] sed in individualem [illegible]

conservationem [illegible] §. 4. 5.

[illegible]

[illegible] §. 27.

[illegible]

[illegible] §. 2[illegible]

[illegible]

[illegible]

[illegible] §. 11.

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 5 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] in eadem [illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible] tandem [illegible] [illegible] in [illegible] [illegible]
[illegible] [illegible] quam [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
mulieri [illegible] [illegible] [illegible] et
patri in [illegible] et [illegible] [illegible] et [illegible]
patri [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] 9. 35.

[illegible] cum et [illegible] in [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

Titulus septimus. [illegible]

[illegible]
[illegible]

De Actionibus.
Titulus. 6.

[illegible] tenuia [illegible] [illegible]

[illegible] aliqua obligatione nihil [illegible]

[illegible] ex ea [illegible] [illegible]

[illegible] quia [illegible] dat. Anni [illegible] em [illegible]

[illegible] ut mediante ea se de[illegible]

[illegible] agentis [illegible] etiam in [illegible]

[illegible] vera [illegible] [illegible]

[illegible]

[illegible] em [illegible] [illegible] [illegible]

[illegible] nisi in nonnullam casib. [illegible]

[illegible]

[illegible] veritatem. [illegible]

[illegible]

[illegible] debet [illegible]

[illegible]

[illegible] [illegible] mire. [illegible]

[illegible] antecedere [illegible]

[illegible] agat [illegible] Pater [illegible]

[illegible] in [illegible]

[illegible]

[illegible] [illegible] acceptat Pater [illegible]

[illegible] averit [illegible]

habet jus usus [illegible] minus. [illegible]
ex [illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible]

agentis [illegible] actiones supponunt dominium, ut [illegible]

[illegible] ita et [illegible] [illegible] supponunt [illegible]

[illegible]

[illegible]

[illegible] et [illegible] [illegible] actionem [illegible]
[illegible] possunt vindicare!

[illegible]

[illegible] cum suis accessionibus. et si actio [illegible]
rei corporalis datur rei vindicatio, si vero rei incor[illegible]

[illegible]

[illegible] negatoria [illegible] et confessoria

[illegible] rei vindicationem [illegible] examinanda sunt 1° unde
oriuntur. 2° [illegible]

[illegible] examinam[illegible].

[illegible]

[illegible] natur[illegible] [illegible]

[illegible] em [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ex [illegible] [illegible]

[illegible] [illegible] [illegible]

a posteriore [illegible] [illegible]

non [illegible] actionem [illegible] in rem [illegible]

quia non [illegible] est [illegible] dominus [illegible]

[illegible]

[illegible]

[illegible] quod [illegible]

[illegible]

[illegible]

rem [illegible]

[illegible] de [illegible] in [illegible]

[illegible]

[illegible] 2° cui et contra [illegible]

3° [illegible] nec actio ex re [illegible]

[illegible]

[illegible] Dominii non [illegible] [illegible]

[illegible] quando [illegible]

[illegible] nec actio [illegible]

[illegible] dominus [illegible]

[illegible] ab eo qui [illegible]

[illegible] actio domina, qua

[illegible]

[illegible]

[illegible] enim [illegible]

[illegible] amm[illegible] [illegible]

[illegible] ectic[illegible]m [illegible]

Preconi [illegible] [illegible] [illegible]

[illegible]

desiderit vel etiā ea obligatione liberari: et a de
tore eo tempore rerum suarum administrationem in
... eorum; unde prius nec actio ...
... via qua creditor ... rerum ...
... ore in fraudem creditoris factam rescindi ...
... si facta non esset. ... itaque ... cre
ditoribus contra emptores rerum a debitore ... de
bitore in eorum fraudem, sive sint emptores
cum titulo sive sine titulo ut ...
... facta
... eorum cum titulo, non aliàs revocatur nisi
... fraudandi animum habeat, ...
... vero facta sine
... intelligendum est ... ex causa dona
... revocari alienat ...

...
... creditoribus. ... alienatio revocari
potest, quando debitor non habuerit aliud in
bonis, item quando est facta cum fraude à
debitore

[illegible] non haberet [illegible]
[illegible] executoria [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] co [illegible]
[illegible] in [illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] quae [illegible] et ita
[illegible] de [illegible]
intent[illegible]
[illegible] e est.
[illegible] examinandum [illegible]
dat. 2^d^ cui, et contra quem debet. 3° ad quid.
[illegible] et [illegible]
[illegible] in [illegible]
[illegible] conditionis [illegible]
[illegible] requirit [illegible]
[illegible] bona [illegible]
[illegible] contra [illegible]
[illegible] eadem [illegible]
[illegible] ea [illegible], eaque retinet [illegible]
[illegible] domus [illegible]. Notandum
[illegible]
[illegible] beatam [illegible]
[illegible], dic eis, quae [illegible]
[illegible]
[illegible]
[illegible] bona [illegible]
[illegible] est [illegible] v.g. armenta, et alia [illegible]
ad [illegible], ex[illegible] ea, quae [illegible]
[illegible]

nec expresse obligata fuerit. [illegible]

[illegible] [illegible] deserviat. [illegible] cui [illegible]

[illegible] nec actio [illegible] eo pignore [illegible]

debitoris alienatis [illegible]

[illegible] Dat[illegible]

nec actio cuicumque creditori [illegible] rem [illegible]

[illegible] contra [illegible]

[illegible] et in hoc [illegible] actio [illegible]

actione [illegible]

[illegible] actio contra [illegible]

rerum [illegible]

[illegible]

et [illegible]

[illegible] et hec de actionibus [illegible]

[illegible]

[illegible] actio [illegible]

[illegible] actio [illegible] et actio [illegible]

[illegible] actionem de [illegible]

[illegible]

[illegible]

[illegible] actio [illegible]

[illegible] pro [illegible]

[illegible] constitutum [illegible]

[illegible] quis pro persona obligata intercedit ex pacto

[illegible]

[illegible] se [illegible] id quod [illegible]

[illegible] seminatur, propter [illegible]

seminationem pactum [illegible] producit actionem

[illegible]

[illegible] non [illegible]

[illegible]

[illegible] contra [illegible]

[illegible]

[illegible] in [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ret. mulier tacite videtur consentire, ut ad eam [illegible]
tantum filius recurrat, ideo contrahi [illegible]
[illegible] consummatur in [illegible]
tri cuius tum filius naturaliter debeat [illegible]
tive ante [illegible] in peculio, nec [illegible]
cum iste pater [illegible] pro filio, [illegible]
etiam, ut [illegible] creditoribus [illegible]
habeat.

Circa actionem de iuramento [illegible]
[illegible] iuramentum 2 [illegible]
[illegible] contra quem [illegible]
iuramentum itaque dicitur invocatio divini [illegible]
[illegible]
aliud [illegible] comminatorium aliud [illegible]
[illegible]
[illegible] et [illegible]
[illegible] agendum est de iuramento litis decisio
quod nil aliud est quam iuramentum [illegible]
[illegible]
[illegible], et hoc iuramentum [illegible]
aliud conventionale aliud iudiciale [illegible]
[illegible] extra [illegible] a parte [illegible]
[illegible]

[illegible] iure nec [illegible] aliud necessarium; [illegible]
[illegible], quod in iudicio a parte [illegible]
[illegible] [illegible] [illegible] [illegible]
in iudicio a quo [illegible] centum, nulla [illegible]-
rat aut [illegible] [illegible] [illegible] [illegible]
mihi [illegible] debita [illegible] [illegible] iuramentum reo
Titio si neganti se esse debitorem [illegible] iura-
mentum [illegible] [illegible] [illegible]. In [illegible]
rei est aut iurare, [illegible] [illegible] iuramen-
tum [illegible], et in [illegible] iurare se nil
debere, potest prius a me iuramentum [illegible]
de calumnia, [illegible] me [illegible] iurare [illegible]
[illegible] iuramentum reo non causa calumniandi
[illegible] quia credo me esse creditorem [illegible]
Titij, quo facto si iuret Titius nil debere
[illegible] amplius ab isto petere [illegible]
[illegible] iuramentum iam fecit [illegible]
nolit iurare potest mihi referre iuramentum
[illegible] [illegible] me esse creditorem [illegible]
[illegible] [illegible] [illegible] centum [illegible]
[illegible] [illegible] [illegible] iurare [illegible]
[illegible] [illegible] credibile [illegible]

est, quia actore non [illegible] [illegible]

ideo Titius reus nec iurare [illegible] [illegible] iuram.

[illegible] [illegible] mihi [illegible], quod [illegible] [illegible] [illegible]

[illegible] [illegible] habet.

[illegible] [illegible] iuramentum [illegible] quod iudice [illegible]

[illegible] [illegible] nisi ex causa [illegible] [illegible]

[illegible] ut in [illegible] [illegible] [illegible] [illegible]

et iure [illegible] [illegible] [illegible] [illegible] iurant

[illegible] [illegible] 20 actore [illegible] condicto, et

[illegible] [illegible] [illegible] actori iuranti [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] summam [illegible] à Titio [illegible] con-

[illegible] [illegible] in [illegible] [illegible]. [illegible]

ad hoc ut [illegible] [illegible] [illegible] de quo

iurant [illegible] actor, ita ut [illegible] [illegible]

[illegible] iuramentum [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible], ne [illegible] [illegible] [illegible] [illegible]

de actionibus [illegible] [illegible]

[illegible] [illegible] de actionibus [illegible] [illegible]

[illegible] [illegible] sunt. actio de albo corrupto, actio

de [illegible] in ius vocando, actio de eo, qui [illegible]

[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]

[illegible]

Circa actionem de albo corrupto 4 veniunt examinanda:
primum quid sit album, et quotuplex. 2° unde
descendat hæc actio. 3° cui, et contra quem detur
4° ad quid.

Primum est album [illegible] esse in qua [illegible] in
continebantur [illegible] edicta [illegible] triplex
erat hoc album, in primo continebantur edicta [illegible]
prætorum perpetua; in 2° edicta [illegible],
ut erant [illegible]; in 3° nomina magistratuum.
In hoc titulo agimus de albo prætorio, quia
in albo corrupto, in [illegible] continentur [illegible]
imperantis, in 3° nomina magistratuum [illegible]
arbitraria continetur [illegible] contra corruptorem [illegible]
[illegible] hæc actio est mixta, et datur illum,
qui corrumpit, maculavit, vel aliquid delevit
ex albo prætoris. [illegible] hæc actio unicuique de populo
quia cuiuscumque interest album
prætoris non corrumpi, ut si veniat casus,
quilibet potest cognoscere formulam conve-
niendi adversarium suum in iudicio [illegible]
corrumpendum, et [illegible] pœnam. [illegible]

[illegible]

[illegible] eius aequivaleat ipso [illegible]

[illegible] plures uni albuum conveniunt

[illegible]

circa actionem de in ius vocando examinanda

1º quid sit in ius vocare. 2º unde descendat

[illegible] 3º cui, et contra quem detur. 4º [illegible]

[illegible] vocare est alterum idest debitorem in iure

convenire iuris experiundi causa. Descendit hec

actio [illegible]

[illegible]

[illegible] sive sit actio realis

[illegible] sive legitimus tantum, sive realis, et le-

gitimus. sive sit unus, proximus etc, sive in

[illegible]

ita hec actio datur matri etiam [illegible]

unde datur 1º contra liberos [illegible] in ius vocat,

[illegible] in ius parentes sine venia Pretoris.

Dixi emancipatos quia [illegible] nec cum venia

[illegible] in ius [illegible] parentes [illegible]

[illegible] de [illegible]

[illegible]

[illegible]

rem

11

[illegible]

quibus [illegible]

[illegible]

[illegible] eos [illegible]

[illegible]

[illegible]

reum in id eraret contra eum qui vi[illegible]
[illegible]
vocat[illegible] in [illegible]
[illegible]
[illegible]
[illegible]
[illegible] fecit [illegible]
[illegible] in [illegible]
[illegible]
[illegible] commendatis, [illegible]
icnam quae exemit hunc [illegible]
in mre, si esset vocatus tempore [illegible]
v.g. item si esset vocatus coram iudice
non suo, item si esset vocatus in [illegible]
[illegible]
[illegible]

[illegible] omnes [illegible]
[illegible] cabitur, quae tria sunt, actio de liberali
causa, actio de [illegible] parte [illegible]
[illegible], et istae actiones [illegible]
[illegible] ratione damni, sed quia sententia [illegible]
[illegible] causa trahit ad decisionem [illegible]

[illegible]

titio criminis aereoto. ... rat cum ratus ... de his actionibus ... tanis ... indicialibus in ... quas cum crima ... ideo circa eam ... examinan... ... seruicat, ... contram ... teq. 3° ad quid

... seruiuit nec altio ... iniquitate illius ... cum ... ... actio ... contra... ... ... nec ... illo ... ... nec actio ... indicialis ... ... an ... ... sit serviens, nec ne ...

... ... rede servit.

... ...

[illegible] intelligitur etiam iudicatum eundem [illegible]

[illegible]

Tertia actionum [illegible] quae distinguitur a re [illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible] e i [illegible]
[illegible]
[illegible]
[illegible] libere [illegible]
[illegible] è penale, [illegible] in co [illegible]
[illegible]
[illegible]
[illegible] agere. [illegible] actio [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ut actio [illegible]
[illegible]
[illegible]

[illegible] rés et promina ê [illegible]
[illegible]
ut l ani in [illegible] de ês [illegible]
[illegible] 6 [illegible]
[illegible]
[illegible] 3°. [illegible]
[illegible]
ê [illegible]
[illegible]
[illegible]
[illegible] ê [illegible] et [illegible]
[illegible]
[illegible] ratio [illegible]
[illegible]
[illegible] accepte [illegible]
[illegible]
rém [illegible] ê [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] agimus [illegible] actione [illegible]

[illegible] ex [illegible]

[illegible] alteri [illegible]

[illegible] calumniato contra [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ex calumni[illegible]

[illegible]

[illegible] agimus contra executores

[illegible]

[illegible] litigantibus [illegible]

[illegible]

[illegible] eorum [illegible]

[illegible]

contra executores [illegible]

[illegible] executum [illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible] [illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] mictu
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

tanimum repeti non possit, nisi tu esset
... commodatam ...
deposito, quod pariter ...
... ad ...
depositarium ad rem deponentem ...
... contraria atque depositario contra
...
fuerat pro ...
... immoratur, nisi sua etiam con...
...
... creditori contra debitorem ...
... necessario fuerat pro conservatione
... operis ...

[illegible]

uetur contra locatorem ad hoc ut locator

[illegible]

cum vult fundum rusticum conductum [illegible]

[illegible]

actio directa inovat juxta formam mandati

[illegible] executione mandati, et res [illegible]

[illegible] varia [illegible] mandatarius contra

mandantem ad repetendum necessario [illegible]

[illegible] actio [illegible] directa,

[illegible] hec nasci uni ea [illegible] contra [illegible]

[illegible]

[illegible] actio [illegible]

[illegible] alibus, de quibus diximus.

[illegible]

[illegible] debent [illegible]

[illegible]

[illegible] universalem [illegible] infrentum [illegible]

[illegible] continet [illegible]

[illegible] mixtae, id est partim [illegible]

[illegible] ita dicitur, quia a principio

[illegible] alij [illegible] neque veres, [illegible]

[illegible]

[illegible]

[illegible]

familiae [illegible], communi dividundo,

et finium regundorum

[illegible]

[illegible] unde descendat [illegible]

[illegible] 3. [illegible]

[illegible] actio [illegible]

[illegible]

ex [illegible]

[illegible]

[illegible]

[illegible] actionem [illegible]

[illegible] actio [illegible] est [illegible]

[illegible] formalis [illegible]

[illegible]

[illegible] actio formalis [illegible]

[illegible]

[illegible]

[illegible] 3° ad [illegible].

[illegible] actio [illegible]

[illegible]

[illegible]

[illegible] ex [illegible], [illegible]

[illegible]

[illegible]

[illegible] ... rursus legaverint, vel
donaverint ex re in [illegible]
[illegible] ab uxore [illegible] quia illa [illegible]
[illegible] res [illegible] facta [illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible] amorem
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
ex [illegible] aut alio casu [illegible],

[illegible]

n quo continetur in qua parte [illegible] dicitur [illegible]
[illegible] per vim amoti,
et facit, ut personatus in eo loco, in quo [illegible]
erant, et [illegible] non [illegible]
[illegible] incipit, [illegible]
[illegible] vicino [illegible] et in ea
parte [illegible] dominos, [illegible]
[illegible] ad [illegible] parti
[illegible] adiudicare [illegible] vicino [illegible]
fine de quarta divisione [illegible].

[illegible] de [illegible]
[illegible] in [illegible] quae [illegible]
[illegible] bonae fidei aut stricti iuris [illegible]
[illegible] bonae fidei [illegible]
[illegible] bonae fidei [illegible] sunt [illegible]
[illegible] de earundem [illegible].
[illegible]
[illegible] iudicare [illegible]
[illegible] bonae fidei quia sunt con-
trariis dolo [illegible] omnes [illegible]
[illegible] fidei quia in quibus [illegible]
[illegible]

[illegible] actionis [illegible] [illegible]

iste [illegible] ex empto et vendito [illegible] et

[illegible] mandati pro [illegible] commodati de-

positi [illegible] familiae erciscundae

[illegible] [illegible] in nobilis

casibus tantum [illegible] ea [illegible]

et permutatione, item de [illegible] rei uxoriae

[illegible] quia nec de [illegible] est estimatio

ne de [illegible] permutatione, nec de rei uxo-

riae [illegible] [illegible].

[illegible] [illegible] est estimatio [illegible]

[illegible] [illegible] 2 [illegible] et [illegible]

[illegible] 3 [illegible].

[illegible] hec actio [illegible]

ad estimationem ut aut ea [illegible] eam

vendat, et [illegible] [illegible] hec

actio [illegible] rem estimatam [illegible]

[illegible] cessit [illegible] ut [illegible]

[illegible] [illegible] tantummodo.

[illegible] permutatione [illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

quas stipulatio est præ ceteris contractibus firmissima, [illegible] actio ex stipulatu et actio [illegible] quia [illegible]

subrogata in locum rei uxoriæ antiquis, quæ erat bonæ [illegible]

in hac re et ipsa actio ex stipulatu [illegible] quia

subrogatum sapit naturam eius in cuius locum subroga-

tum est. notandum pariter, quod uxor agendo ex stipulatu

pro repetenda dote contra maritum præfertur creditoribus

[illegible] mariti anterioribus etiam [illegible] non [illegible]

[illegible] in expressam hypotecam [illegible] tacitam

[illegible] uxorum bonis [illegible] sunt, quod [illegible] potest

[illegible], secundum bonum, et æquum, [illegible]

[illegible] etiam [illegible]

expressas. et hæc de actionibus bonæ fidei.

Circa actiones [illegible]

[illegible]

[illegible]

[illegible] actionum [illegible] non [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] de eo [illegible]
[illegible] omnes ille dicuntur actione.
[illegible] in [illegible] actioni
bonae fidei [illegible] contractus [illegible]
et [illegible] est [illegible] actio [illegible]
[illegible] et [illegible]
[illegible] et [illegible] actio.
[illegible] vel [illegible]
[illegible] etiam [illegible]
[illegible] tertium [illegible] actio et bonae fidei
ad actionibus [illegible] primo ratione
[illegible] in actionibus bonae fidei [illegible]
[illegible] contractui bonae fidei [illegible]
[illegible]
[illegible] potest [illegible]
[illegible] contractus potest. [illegible]
[illegible] contra [illegible] actionibus
[illegible] contractui
[illegible] contractus [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

In actionibus [illegible] etiam [illegible]
[illegible] in [illegible] considerationem permittit. [illegible]
[illegible] in [illegible] fides [illegible]
[illegible] in actionibus
[illegible] in [illegible]. Aliae sunt [illegible]
[illegible] actiones. In [illegible]
usque ad numerum 31 [illegible] tractat.
Circa actiones [illegible] sunt examinanda
[illegible] actionis [illegible].
quomodo actiones sint [illegible]
Circa primum dicendum quod actiones ordinariae
constituunt actiones specie distinctas, sed sunt
[illegible] actionibus [illegible]
[illegible] ordinariae [illegible] in eis actio
[illegible] secundum [illegible].
Circa 2. [illegible] modis [illegible]
[illegible] mihi [illegible]
[illegible] et Romae [illegible]
communem [illegible] non [illegible]
[illegible] Patavii. et in eo [illegible] debitorum [illegible]
suo arbitrio, ut mihi hoc interesse [illegible].
ratione affectionis [illegible] mihi [illegible]
[illegible] commendavit
[illegible] ad [illegible] mihi [illegible], et [illegible]
[illegible]

[illegible] et [illegible]

[illegible] [illegible] accessionem nuptam

dictionis et [illegible] [illegible] [illegible]

[illegible] condemnare [illegible] mihi [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible] animum [illegible]

[illegible] [illegible]

[illegible] dare [illegible] pro nota [illegible] [illegible] dicat

ille dare [illegible], et it in mora [illegible],

[illegible] condemnabit dominum ad id, quod

[illegible] eius, qui [illegible] [illegible]

[illegible] statim illi non [illegible] [illegible].

[illegible] [illegible] modo

[illegible]

[illegible] nec [illegible] nec [illegible]

[illegible]

[illegible]

[illegible]

[illegible] modo [illegible] dicat plus petere. [illegible] quanam
[illegible] in clausula [illegible].

[illegible] [illegible] [illegible]
[illegible]. R. [illegible]
[illegible], cum deberet habere tantum [illegible]
[illegible] mihi [illegible]
[illegible] Rome [illegible]
[illegible] quia [illegible]
maius [illegible] [illegible]
Rome [illegible]. [illegible]
[illegible] obligatur [illegible]
[illegible] [illegible]
[illegible] plus [illegible]
[illegible]
aut [illegible]
[illegible] in [illegible]
[illegible]
[illegible] in [illegible]
[illegible] sed si loquamur in [illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible] rés[illegible] [illegible]
[illegible]
[illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] demi[illegible] [illegible]
[illegible]
[illegible]

[illegible], et quia parte obscura sunt in libello, nisi
[illegible]
[illegible] etiam [illegible] etiam [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] casibus [illegible].

[illegible] causa est, si ciuis contrahit cum suo, [illegible]
[illegible] in eo casu [illegible] quantum est [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ultra peculium [illegible]
[illegible]
[illegible] ad summam peculii.
[illegible] causa est [illegible]
[illegible] si fiat creditor [illegible], et [illegible]

[illegible] imlibe [illegible] a creditori[illegible]

conueniuntur in quantum [illegible] miles [illegible]

[illegible] de ratione contractus societatis. socius .n.
non conuenitur a suo socio nisi in quantum
facere potest [illegible] societa. est species fraternitatis
et sicut frater emancipatus [illegible] contra [illegible]
patre emancipato non conuenitur frater contra
nisi in quantum facere potest. Item et de sociis
[illegible] eum est.

[illegible] ratione affectionis maritalis.
maritus n. [illegible] matrimonio ab uxore si conuenitur
[illegible] dotem et non sit [illegible]
conuenitur in tantum quantum facere potest
dummodo [illegible] et [illegible] in [illegible]
[illegible] marit[illegible]
[illegible] debet [illegible] uxoris [illegible]
marit[illegible] [illegible] mendicetur [illegible] maritum [illegible]
autem, quod etiam si maritus [illegible]
[illegible] interueniat [illegible]
[illegible] maritus fecisset [illegible]
[illegible]
[illegible] minuunt [illegible]
[illegible] tamen procedit [illegible]
[illegible]
[illegible] fundo, uel domo non est
[illegible] maritus [illegible]
[illegible]
[illegible]

[illegible] erant [illegible] est [illegible]
eas renetere mannis [illegible] actione [illegible]
[illegible], non autem eas [illegible]
in restitutione [illegible]
[illegible]
tunc est [illegible] potest [illegible]
[illegible] nisi [illegible] essent [illegible]

[illegible]
[illegible]
[illegible]
[illegible], ut habeat [illegible]

Compensatio.

Compensatio [illegible] est [illegible]
[illegible] Titii [illegible]
[illegible] et petitur [illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible] potest [illegible]
[illegible] habere [illegible]

[illegible] valeat.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] cum equo, quia venator canis nequit fungi vice equi.

[illegible] 7 qui est

Quod cum eo, qui in aliena potestate est negotium gestum est [illegible]. &c.

C

1dC

Alle
Alle
All

1464

All' Ill.mo Sig.r et Sig.r oss.mo

Il Sig.r Pietro Diaz

Nº 16

Volumen de Notabilibus in Jure

16

Anno Domini 1663. v. Nobre

Rationale Institutionum Iuris Civilis

Liber Primus

De Iustitia, et Iure

Tit.s primus

In quavis arte, ac disciplina recte, perfecteque
tradenda primo indagandus est eius finis, ut ita
iam ab initio velut scopus propositus in quem
studiosorum mentes dirigantur; deinde investiganda
doctrinae methodus, et praecepta, ut his ita ad eum
accomodatis eodem facile perveniatur. Recte
igitur Imperator Iuridicam artem tractaturus
exorditur tradendo in primo tit. huius artis Iuridicae
finem, hoc est Iustitiam, et definit; in 2.a parte doctri:

Inches 1 2 3 4 5 6 7 8
Centimetres 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
Farbkarte #13 B.I.G.
Blue Cyan Green Yellow Red Magenta White 3/Color Black